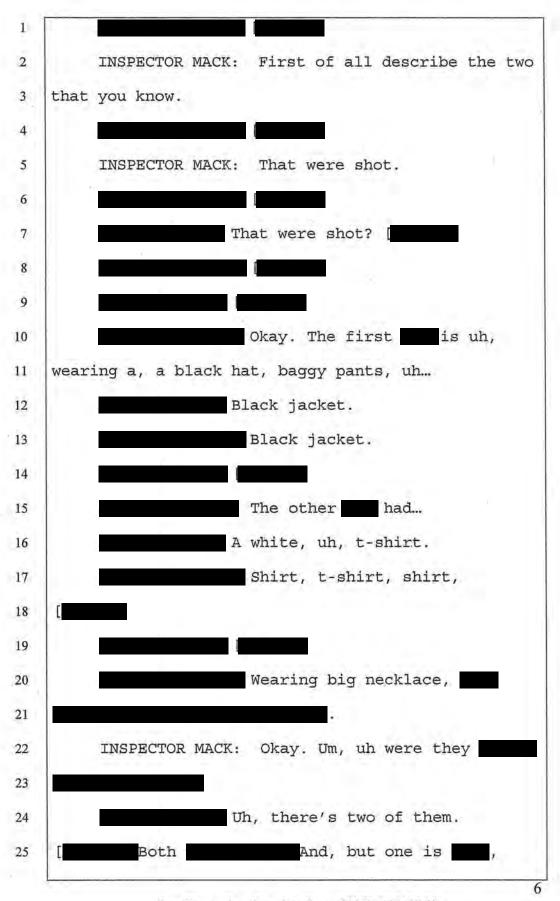
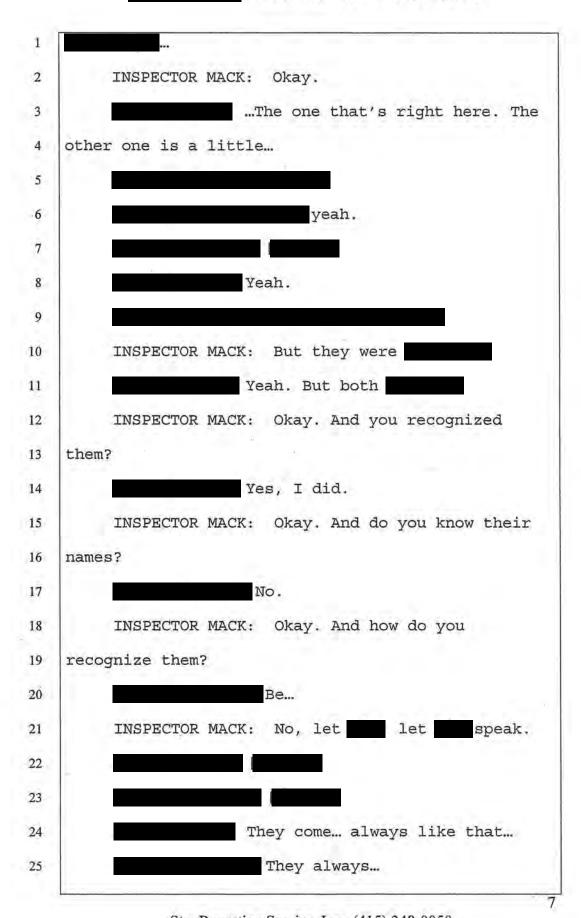
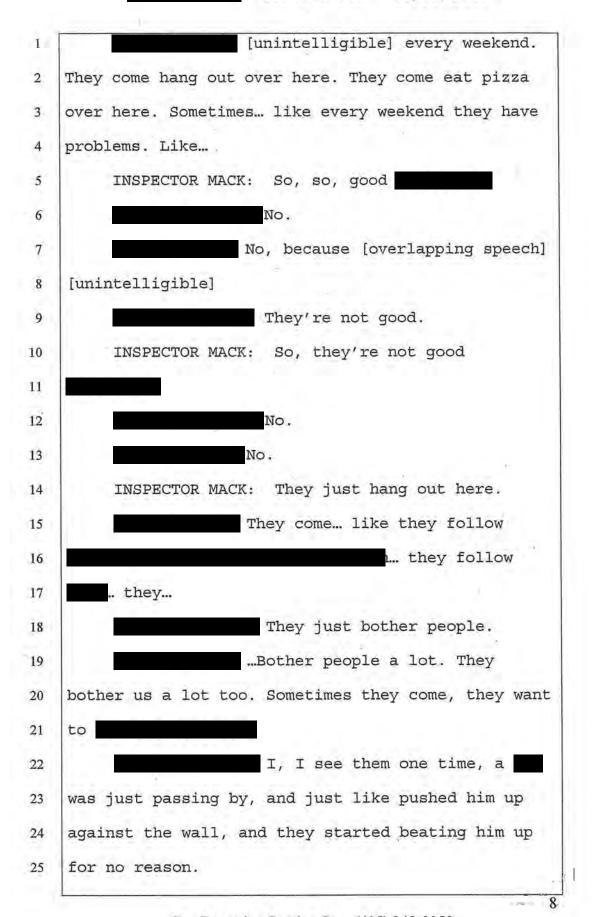
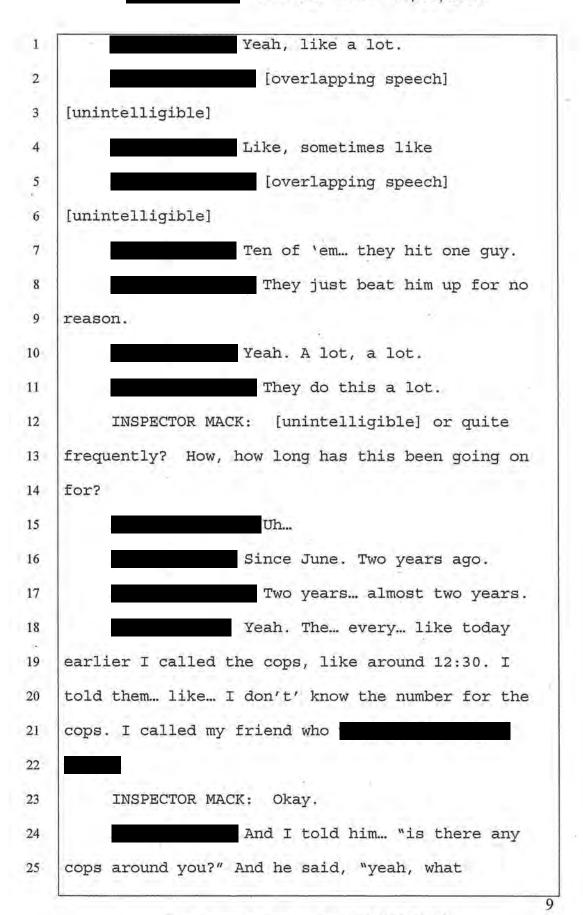
1	uh
2	
3	
4	There's like more than two,
5	ten, ten
6	Ten, ten, more than ten
7	With, with their friends just
8	hanging outside.
9	A lot of, a lot of
0	Like two that got shot.
1	And
12	INSPECTOR MACK: Okay. So there's ten people
13	hanging out. Uh, what time is this at? Do you
14	remember?
15	Between one and one-thirty.
16	INSPECTOR MACK: Between one and one-thirty?
17	Uh, when called me, it was
18	just happened, which is around like one, one-
19	thirty.
20	INSPECTOR MACK: Okay.
21	[unintelligible].
22	INSPECTOR MACK: So, between one and one-
23	thirty, you saw ten people hanging out in front?
24	Yes.
25	INSPECTOR MACK: Okay. Can you describe





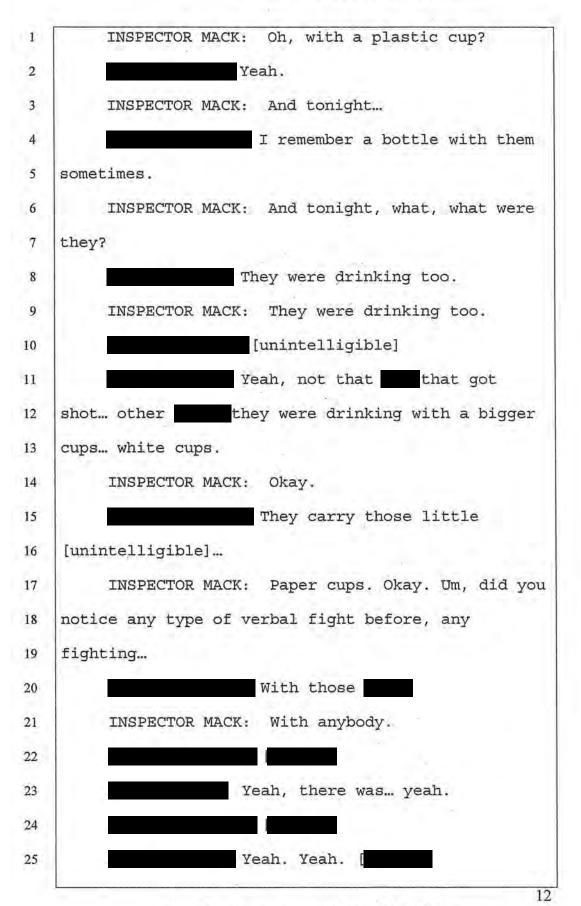


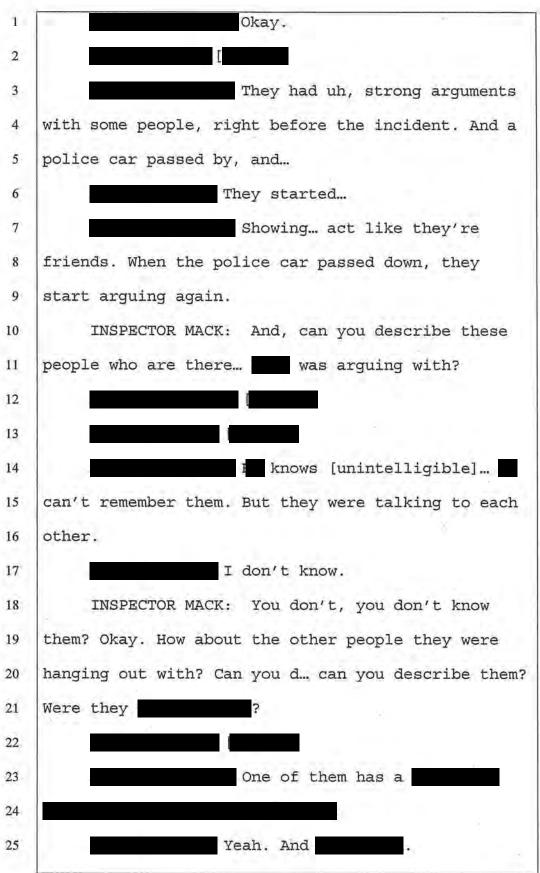


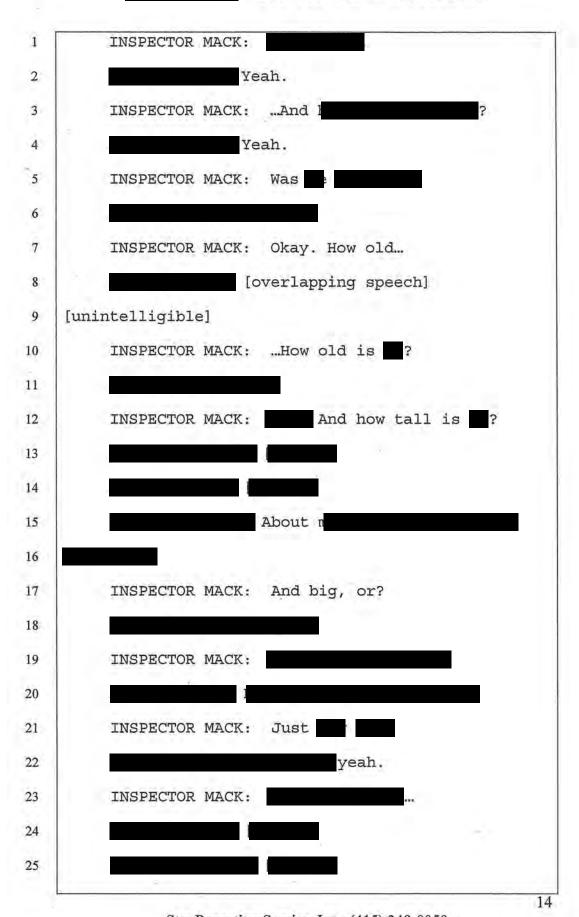
```
happened?" I told him, "can you send some cops over
1
 2
    here? They're, they're fighting... they bother
 3
    people."
 4
         INSPECTOR MACK:
                          Okay.
                       And... it is not good for
 5
 6
                      . And uh, he said, "okay." And the
7
    cops, police car passed by, and they like walked
    down a little bit, and they came back after ... and
8
 9
    afterwards...
         INSPECTOR MACK: What time was that at?
10
                       Like 12:30 I [let's see] ... I call
11
    him... 1:08 actually.
12
         INSPECTOR MACK: 1:08?
13
14
                       Yes.
15
         INSPECTOR MACK: So, when did they first
16
    arrive here tonight?
17
                       I saw them around 12, 12:45,
    12:50, 1:00, around there. I don't know exactly.
18
19
          INSPECTOR MACK: Is that when you first saw
20
     them tonight?
                       Yes.
21
          INSPECTOR MACK: Okay. And you say they hang
22
23
     out at the club Do you know... or just
    hang out in the area?
24
                      No. Just here. Don't go
25
```

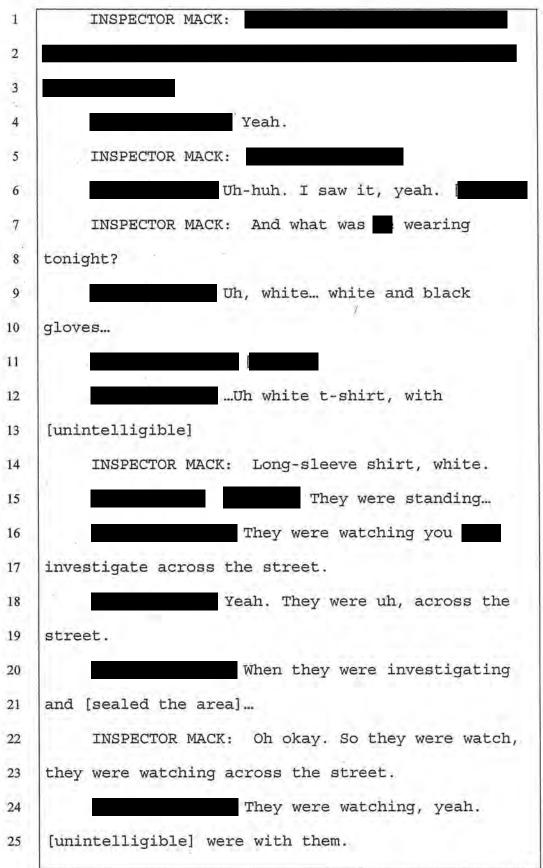
```
[unintelligible]
1
2
                         They, they, usually they just
    hang out around, around Little Darlings, the strip
3
4
    club. But they move around ...
 5
                       Yeah.
                         ... Up and down the block. Most
 6
7
    of the time they just stand right out front.
8
         INSPECTOR MACK: Okay. And you know where
9
    they're from? Do you know?
10
                         They... I mean... where, where
    they live?
11
         INSPECTOR MACK: Yeah. Do they ever tell ya ...
12
          and make small talk?
13
    they
14
                       [overlapping speech]
15
    [unintelligible]
                      We don't, we don't talk to
16
    them. We talk to ...
17
                                      Nothing else.
18
                       Just
         INSPECTOR MACK: Okay. And you know if they
19
    had been drinking, or drunk or ...
20
21
                        They drink sometimes.
                       Yeah. [unintelligible]
22
                      [overlapping speech] They
23
    carry their liquor with them.
24
25
                     Yeah, with a plastic cup.
```

11









```
1
         INSPECTOR MACK: Can you describe anybody else
2
    that was hanging out with them?
3
                       Yeah.
                                       I don't know.
                          A short older
4
5
6
         INSPECTOR MACK: No, you, you
7
    [unintelligible], because you weren't here. You...
8
                         Talking about earlier. I, I...
9
         INSPECTOR MACK: Just so we're clear.
10
                          Okay.
         INSPECTOR MACK: That's okay. You're being
11
12
    very helpful. But, we... kinda how we have to do it ...
                         Yeah.
13
         INSPECTOR MACK: ... I need to ask
14
15
16
17
         INSPECTOR MACK:
                           Okay.
18
                          Uh, black jacket, with red
19
20
    top.
         INSPECTOR MACK: Black jacket, red top?
21
22
                       Yes.
23
         INSPECTOR MACK: Okay. Anybody else? Do you
    remember?
24
                       I remember a few of them. But I ...
25
                                                        16
```

```
INSPECTOR MACK: I mean, they were all hanging
1
    together? They all knew each other?
2
3
                       Yes.
         INSPECTOR MACK: They were all friends?
4
                       Yeah.
5
         INSPECTOR MACK: And they hang out here ...
6
                       Every weekend.
7
8
         INSPECTOR MACK: Every weekend.
                         Every Friday for sure. And
9
    Saturday sometimes.
10
         INSPECTOR MACK: So how many, how many people
11
    you think come here every Friday and hang out?
12
                       About 10, 15
13
14
         INSPECTOR MACK: Ten... and they're all
15
                         Yeah.
16
17
                       They're all... they like ...
                         We, we've been having trouble
18
19
    with those a lot. From...
         INSPECTOR MACK: For a long time.
20
21
                        ...And, and they know ... I mean,
    they know if they want to
22
                              Sometimes they go
23
                       and we argue sometimes.
24
    Especially with me. I don't like to
25
                                                       17
```

```
[unintelligible].
1
2
         INSPECTOR MACK: Right.
                        Because that's just how I
3
    handle them. Uh, we don't have any actual physical
 4
 5
    fights, but we, we just have some arguments. And
    they come out, they come out, they give me the
 6
    looks. I get scared, you know?
7
         INSPECTOR MACK: No, I understand.
8
9
                        Like I told you
10
         INSPECTOR MACK: Right.
                         And uh, they just, just bother
11
12
            . I told people
                             , I wanted
    them
                          . And they just, you know,
13
    looks, they were like [unintelligible].
14
15
16
                         Every weekend. This is every
17
    weekend.
         INSPECTOR MACK: And, how long have you
18
19
                         Two years now.
20
         INSPECTOR MACK: Is that two years? So this
21
    has been going on for how long?
22
23
                       Two years.
24
                         Two years.
         INSPECTOR MACK: For two years. The same
25
```

```
people?
1
2
                         Same people.
3
         INSPECTOR MACK: For two years?
4
                          Yes.
         INSPECTOR MACK: Okay. And, and poli... you made
5
    police reports before? Have you made police
6
7
    reports?
                          I call the police every Friday
8
9
    night.
         INSPECTOR MACK: But have you made any police
10
    reports regarding any incidents out here?
11
12
                          No.
         INSPECTOR MACK: Okay.
13
14
                          No.
         INSPECTOR MACK: Okay. Uh, did you see any
15
16
    weapons with these people tonight?
17
18
                        No.
19
         INSPECTOR MACK: No weapons?
20
                       No.
         INSPECTOR MACK: Okay. You made mention of a
21
    blue Mustang before the shooting happened ...
22
23
24
                        A convertible. A convertible
25
    blue Mustang.
```

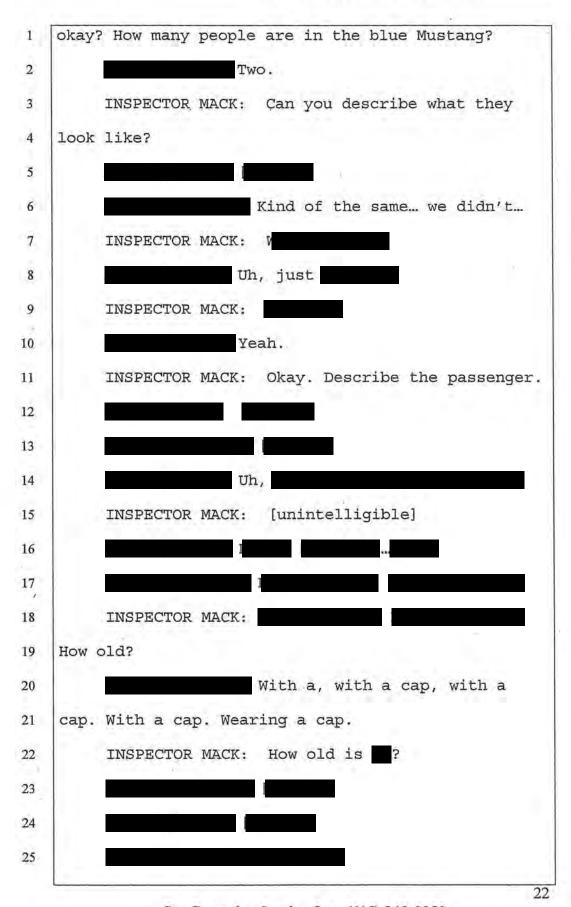
19

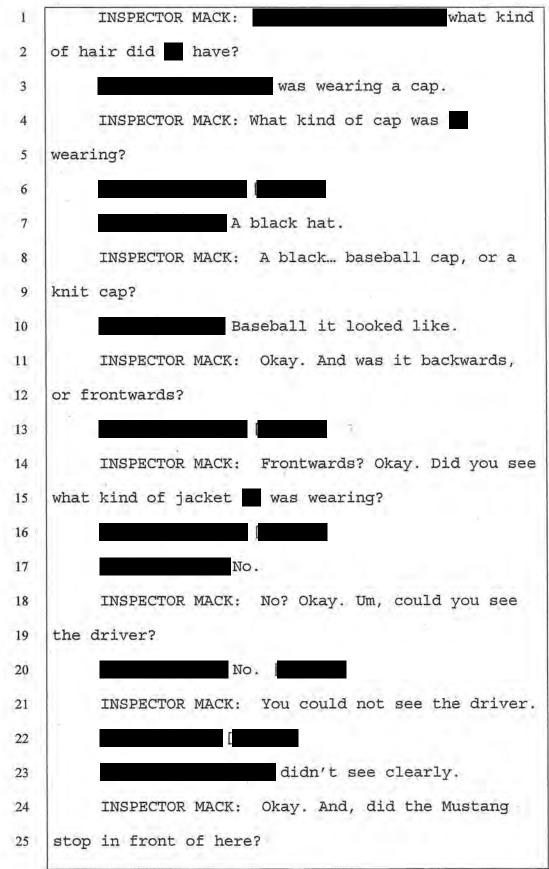
```
INSPECTOR MACK: Uh, uh, a convertible blue
1
2
   Mustang.
                  That wasn't opened really.
3
         INSPECTOR MACK: What color top?
4
5
                   Uh, black.
6
         INSPECTOR MACK: Black. And what year is the
7
    Mustang?
                   Old one, like from the '90s.
8
         INSPECTOR MACK: '90s?
9
                    Late model. I can show you what
10
11
    the model.
        INSPECTOR MACK: Okay. So you've got your I-
12
13
    phone there right? You're showing us?
14
                     Uh, not the car. showing,
    uh, something similar to the car.
15
         INSPECTOR MACK: Similar to the car.
16
17
                      Yeah.
                        didn't take picture.
18
        INSPECTOR MACK: So did you take a picture of
19
20
    the car, or is that ...
21
                   No.
         INSPECTOR MACK: All right. Sort of like a GT
22
    Mustang? 5.0 Mustang?
23
                     Uh, I don't know what the ...
24
                      It's, it's an older model from
25
```

20

```
1
    the '90s ...
                           Okay.
2
         INSPECTOR MACK:
                             showed you on there.
3
                           That's fine.
4
         INSPECTOR MACK:
                          Yeah.
5
         INSPECTOR MACK: And, where were you standing
6
7
    when all this happened?
                        Outside.
8
9
         INSPECTOR MACK:
                          You were standing outside ...
    we... and these were standing outside?
10
11
                        Yes. I was like standing in the
12
          I want... I didn't want them to
13
         INSPECTOR MACK: Okay. I got you. Okay.
14
                       I was standing. Um, but when the
    shot happened, I was like, here ... or after this I
15
    went ... I turned like that away. Instead of ...
16
17
         INSPECTOR MACK: [unintelligible] the blue
18
    Mustang?
                       No, I wasn't [unintelligible].
19
         INSPECTOR MACK: Okay. And then... how many ...
20
                       And then I thought I, I s... and
21
    you know I followed them ... not like all the way out ...
22
    like out on the street to see what's going to
23
24
    happen.
         INSPECTOR MACK: Okay. Look... the blue Mustang
25
```

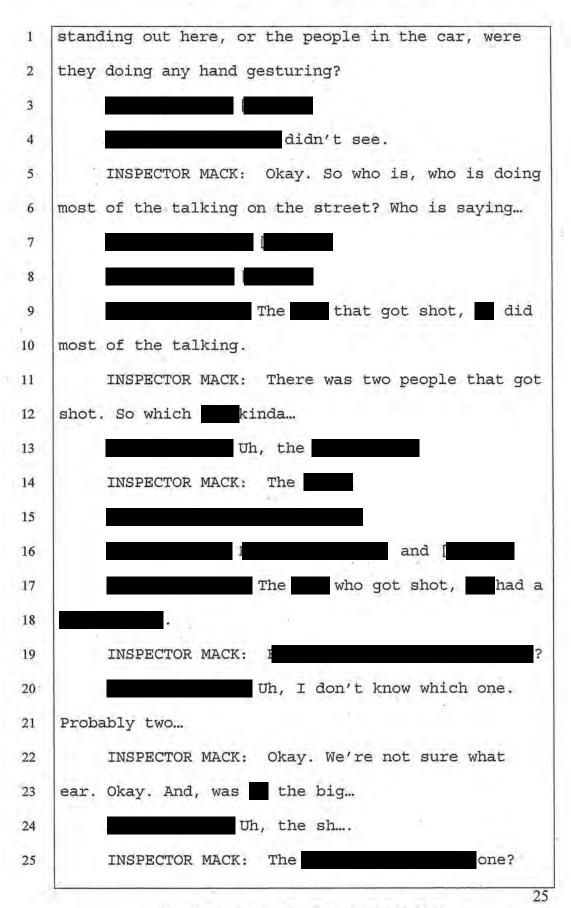
21

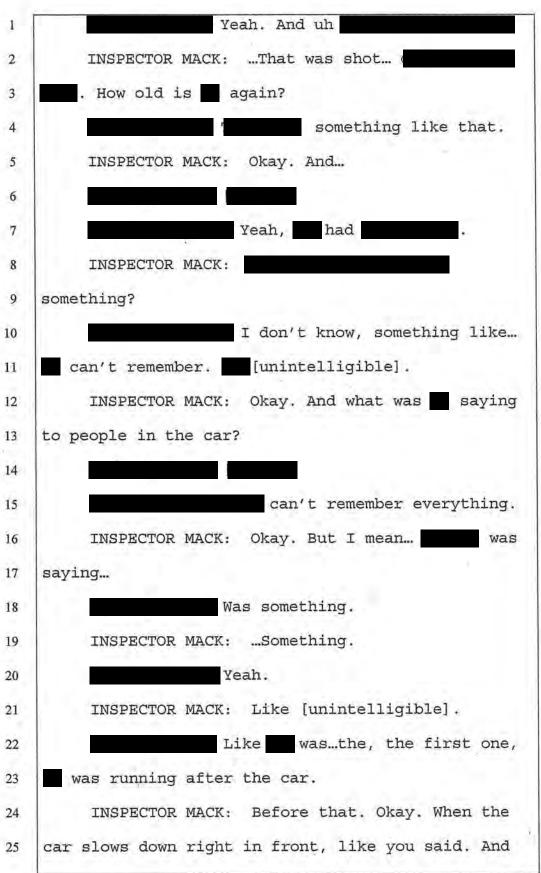




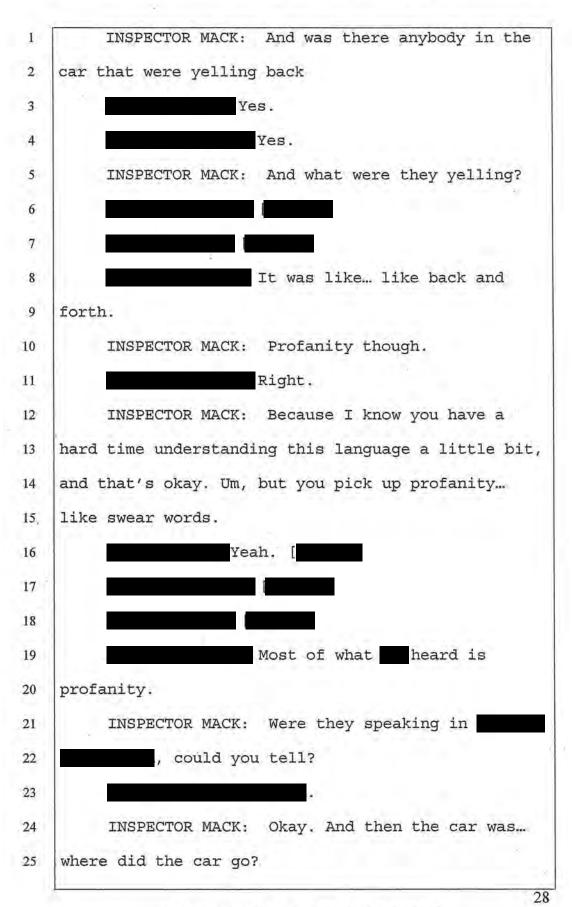
```
1
2
3
                        It didn't make a full stop. It
4
    was going slow, but they were exchanging words
    fast.
5
         INSPECTOR MACK: Okay. And what kind of words
6
7
    were they exchanging?
8
9
                   I don't know. [Shit, fucker...]
10
                        Like a lot of profanities.
11
         INSPECTOR MACK: Well, like, say, say exactly
    what they were saying.
12
                Like "motherfucker, fuck you,"
13
    and [unintelligible].
14
         INSPECTOR MACK: Okay. So, did it appear they
15
    knew each other?
16
17
18
19
20
                      Yeah.
21
                        They, they, they knew each
    other.
22
                   After... like when they saw the
23
    car they stopped talking.
24
25
         INSPECTOR MACK: So were the people that were
```

24





```
they're saying, "fuck you" back and forth, who is
1
2
    saying that? Do you... you don't remember?
                 [unintelligible] I saw this
3
    who was running the first time I saw.
4
5
        INSPECTOR MACK: And so you saw the
6
          one, one of the ones that was shot, run up
    the street.
7
8
                      Yeah.
         INSPECTOR MACK: Okay. Were there still like,
9
        hanging out front, or just the two?
10
11
                       [unintelligible]
12
         INSPECTOR MACK: Who was hanging out front?
13
                       [unintelligible]
                       When this car passed?
14
         INSPECTOR MACK: Yeah.
15
16
                        Like all of them.
17
         INSPECTOR MACK: All of them. And were they
    all yelling or just a couple of them?
18
19
                    : All of them, all of them.
20
                      All of them. They were yelling
21
    at the same [unintelligible].
22
23
         INSPECTOR MACK: So all of them were yelling
    at the car?
24
                         Right.
25
```

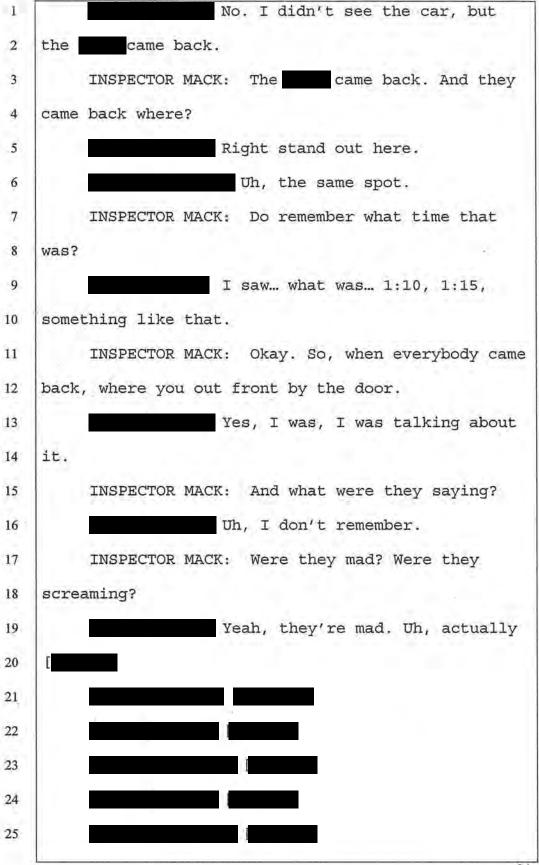


```
1
2
         INSPECTOR MACK: So which way did it go? It
3
    went up Columbus.
4
5
                      And go Grant.
6
                         Grant.
7
         INSPECTOR MACK: Grant.
8
                         Yeah.
         INSPECTOR MACK: So Grant's right here.
                         Yeah, Grant.
10
         INSPECTOR MACK: So up Grant.
11
                         Up Grant.
12
13
         INSPECTOR MACK: And then what did you do? Did
    you follow ... you went ...
14
                     No, I went, I went in the middle
15
    of the street to see, just to take a look. I don't
16
17
    know.
         INSPECTOR MACK: Okay. And with the car going
18
    that way, does everybody leave?
19
                    Yeah, those 10
20
21
         INSPECTOR MACK: Yeah.
                      ...They follow the car.
22
23
         INSPECTOR MACK: They follow the car. And when
    they follow the car, where they saying anything?
24
25
```

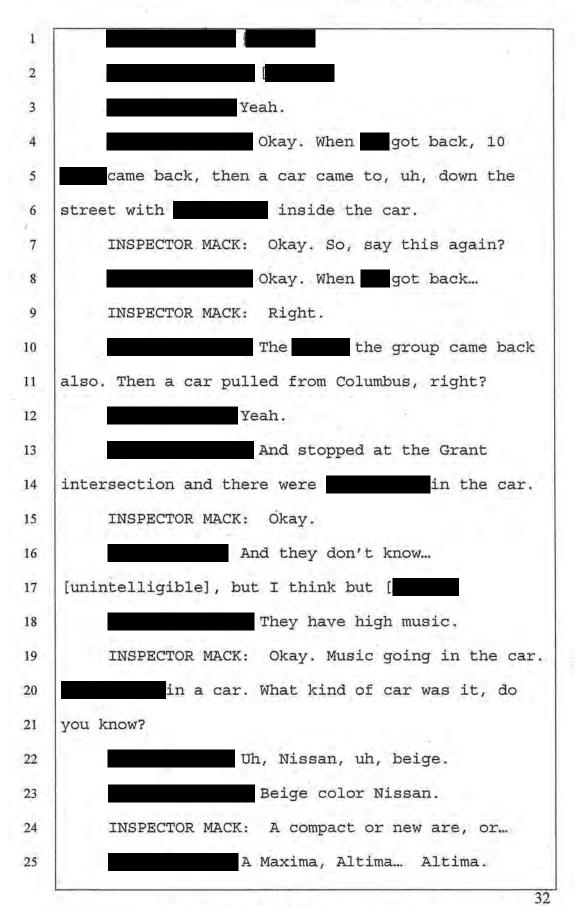
1	[phone ringing]
2	They're still talking.
3	INSPECTOR MACK: Excuse me. [Inspector Mack
4	answers phone.] [Hello? Uh, yeah. I'm doing an
5	interview so it's going to be a little bit.]
6	I
7	INSPECTOR MACK: [Uh, if you could talk to
8	Engler and see how he wants to get that done that
9	would be great. And then uh, uh yeah if you could
10	do that, because I might be a little bit with this
11	witness. Yes. Okay. Thanks.] [end of phone call]
12	Okay. Sorry. Um, so the group ran up that way,
13	correct?
14	Yes.
15	INSPECTOR MACK: And what were they saying? Do
16	you know? You don't know. How far did they go up?
17	
18	UhVallejo.
19	Okay. The car started on
20	Vallejo, then it turned left.
21	INSPECTOR MACK: Then the car turned left on
22	Vallejo?
23	On Vallejo, from Grant.
24	INSPECTOR MACK: Okay. And you didn't see the
25	car again?

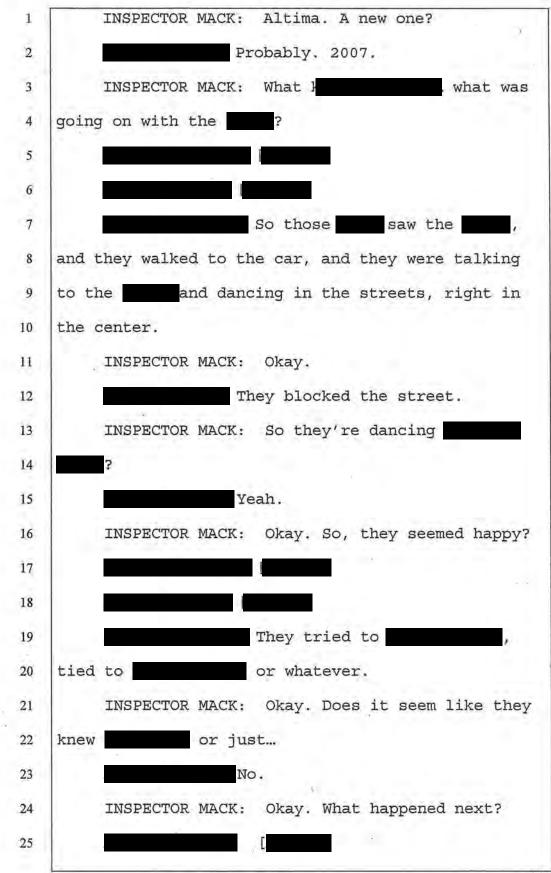
30

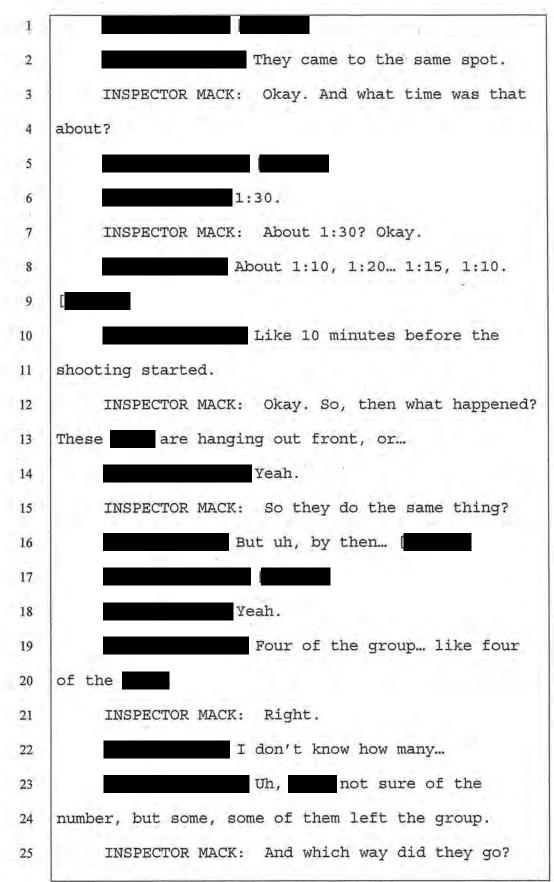
- 100 609 942 - 07/03/2010

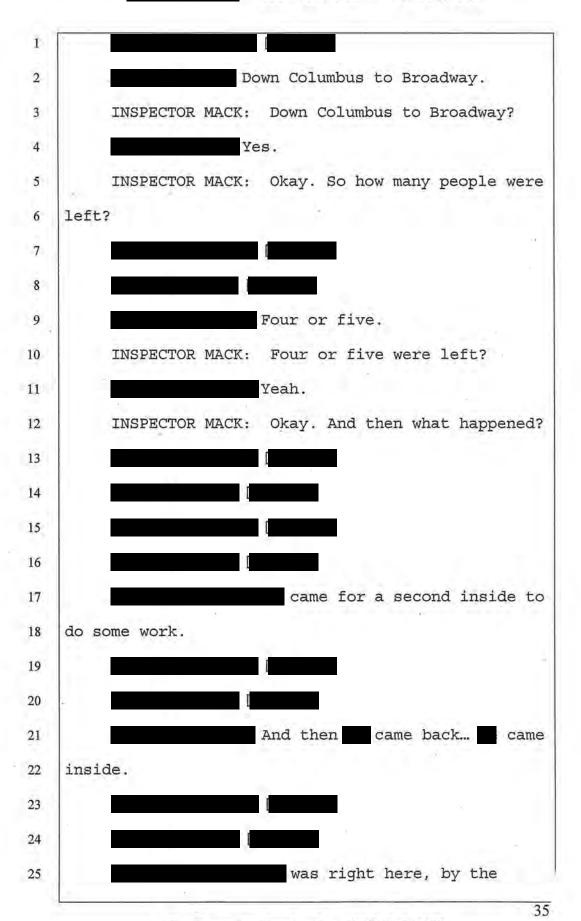


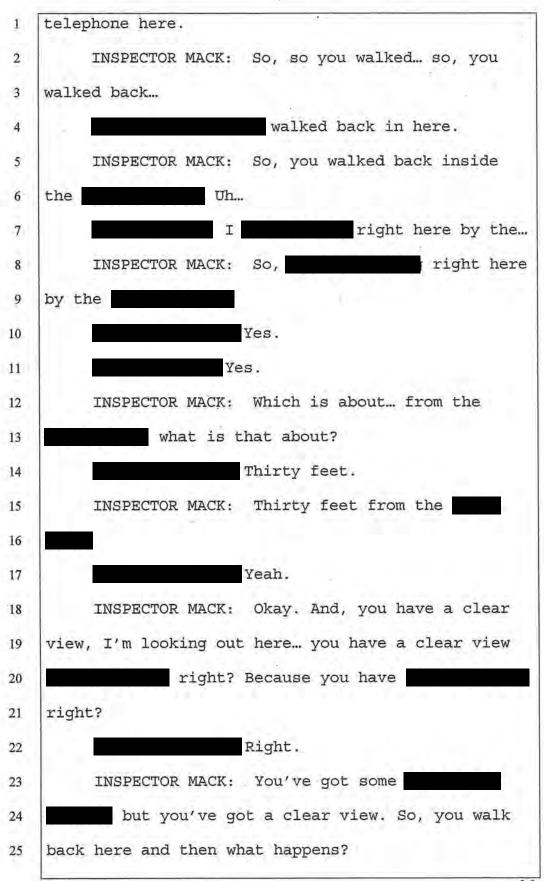
Star Reporting Service, Inc. (415) 348-0050

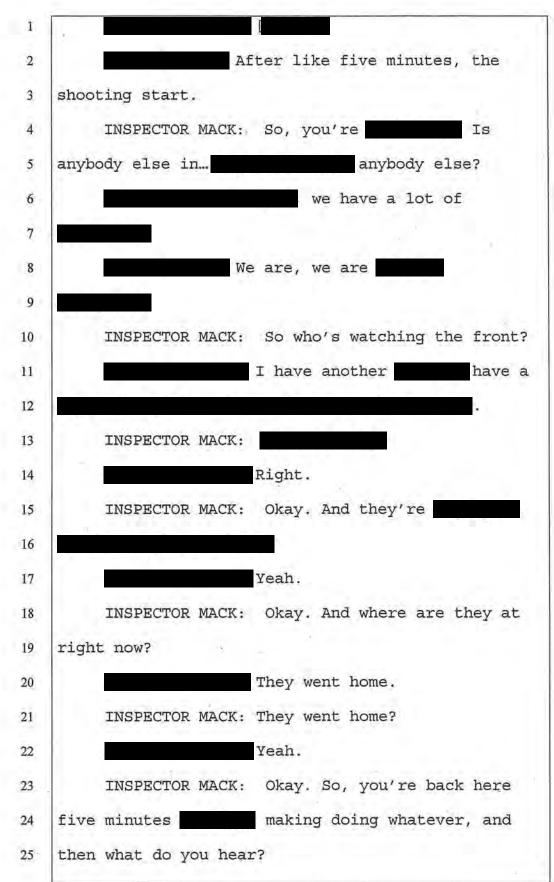


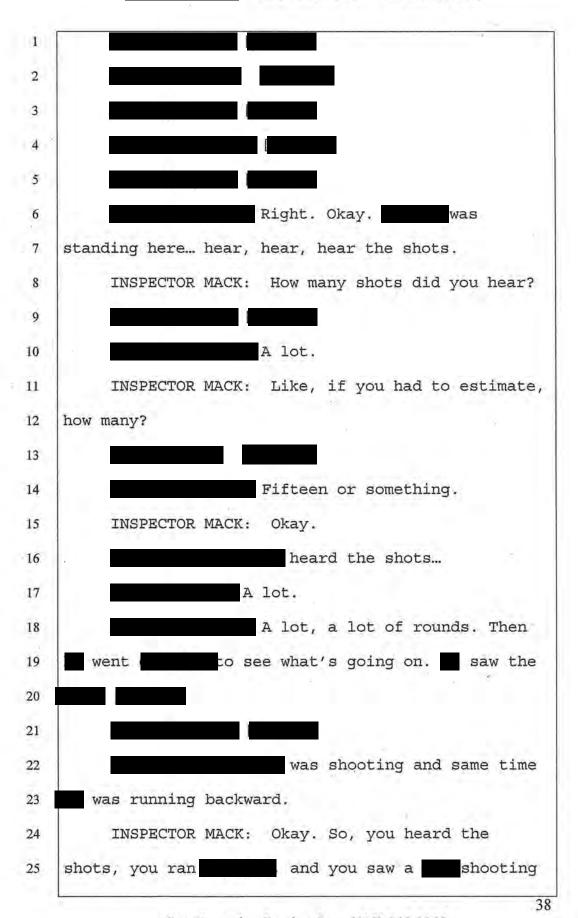


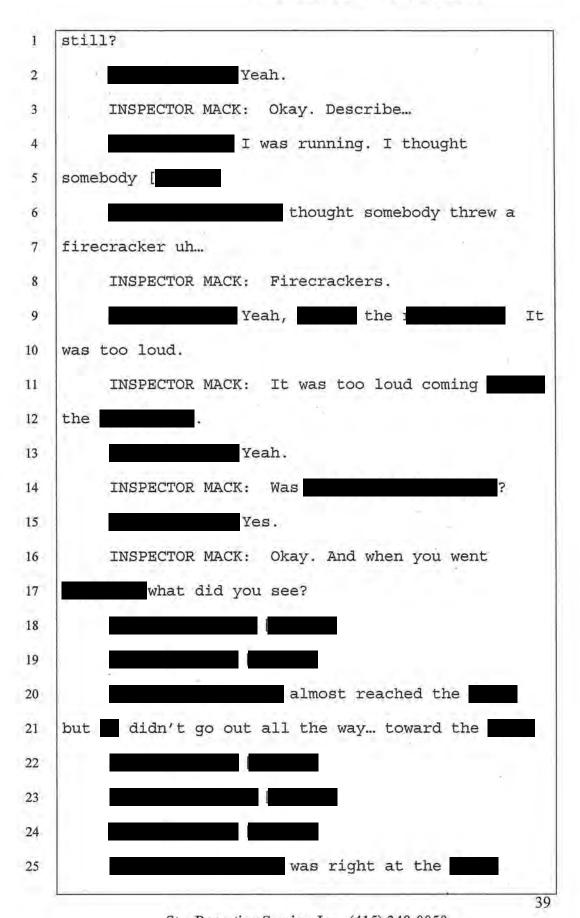


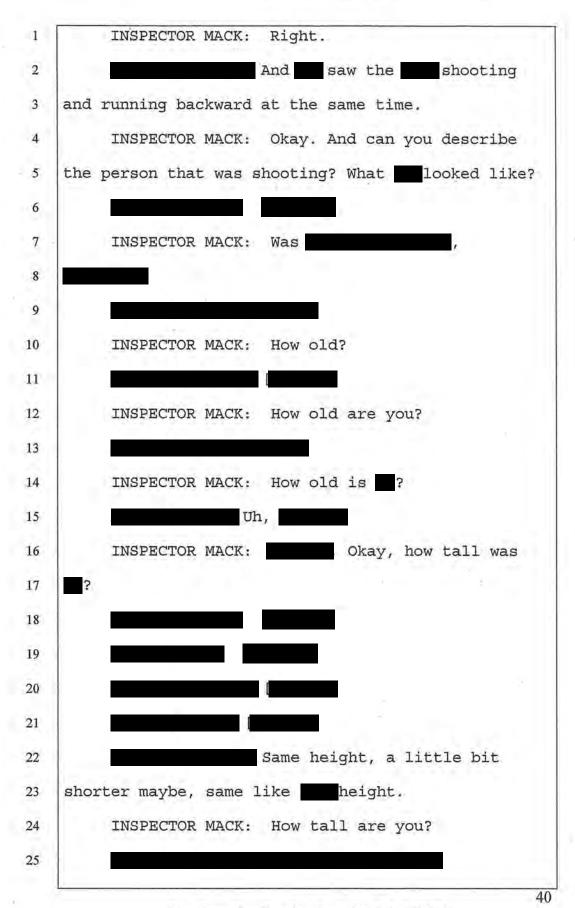


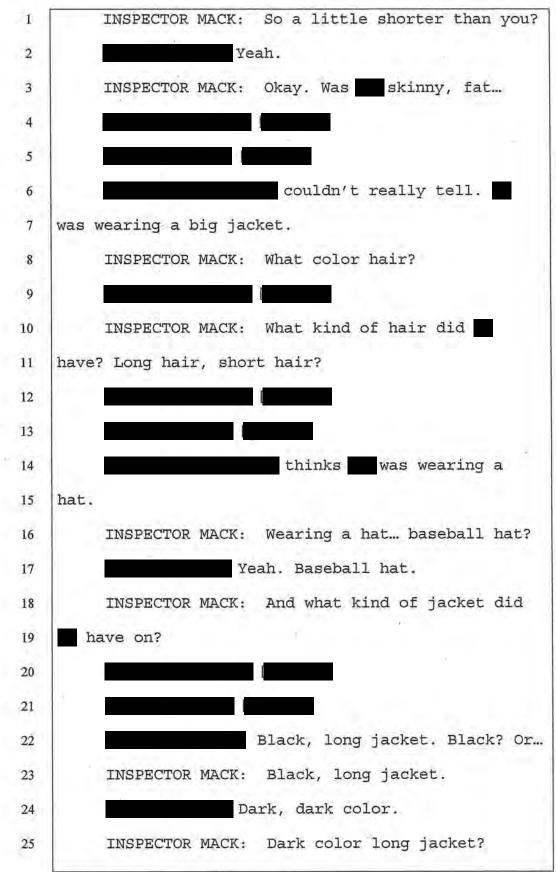


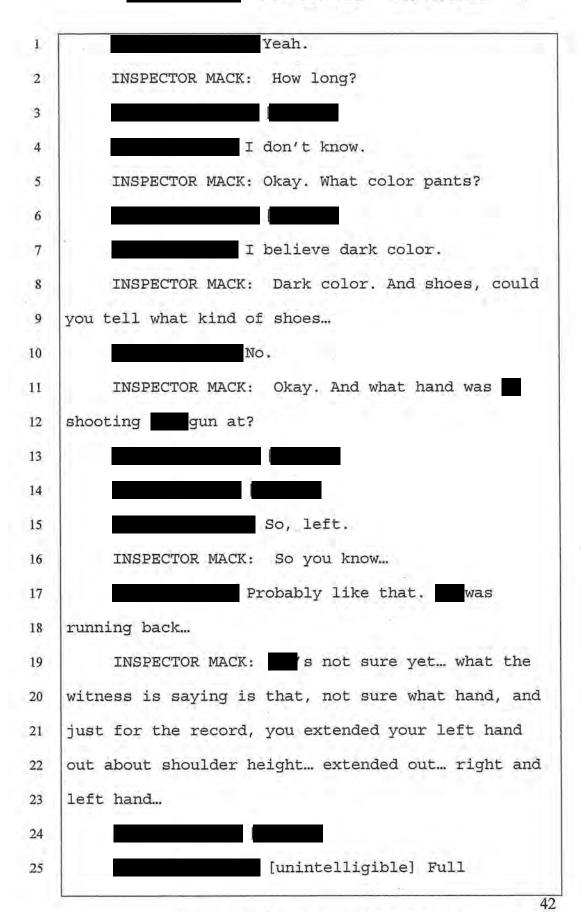




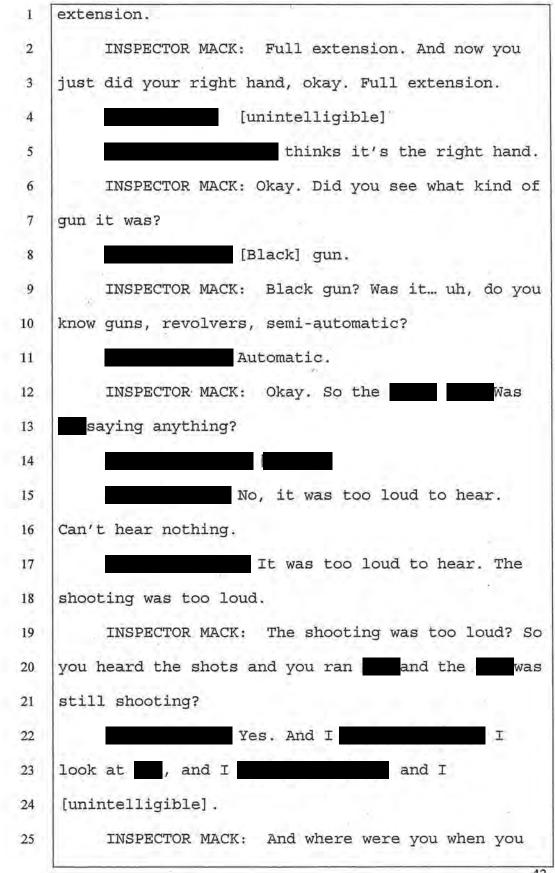






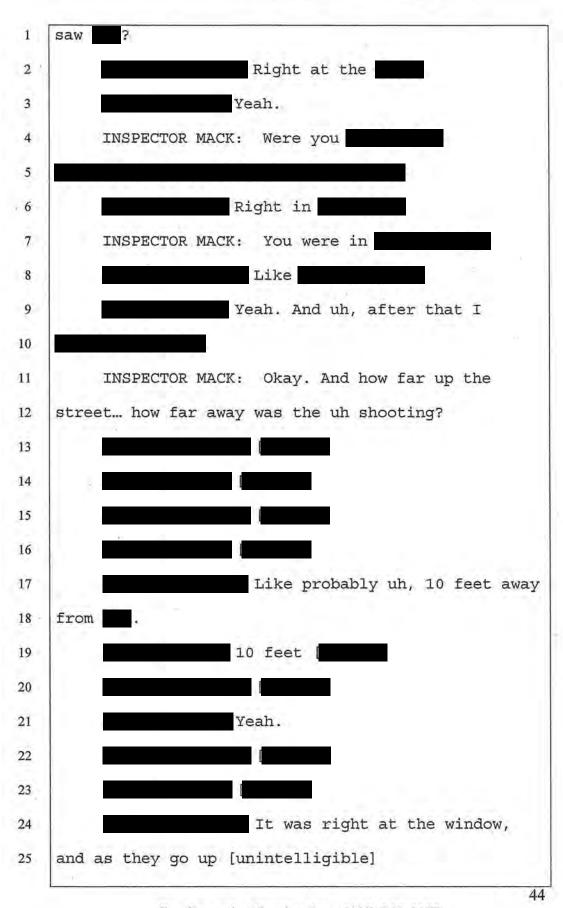


1.70

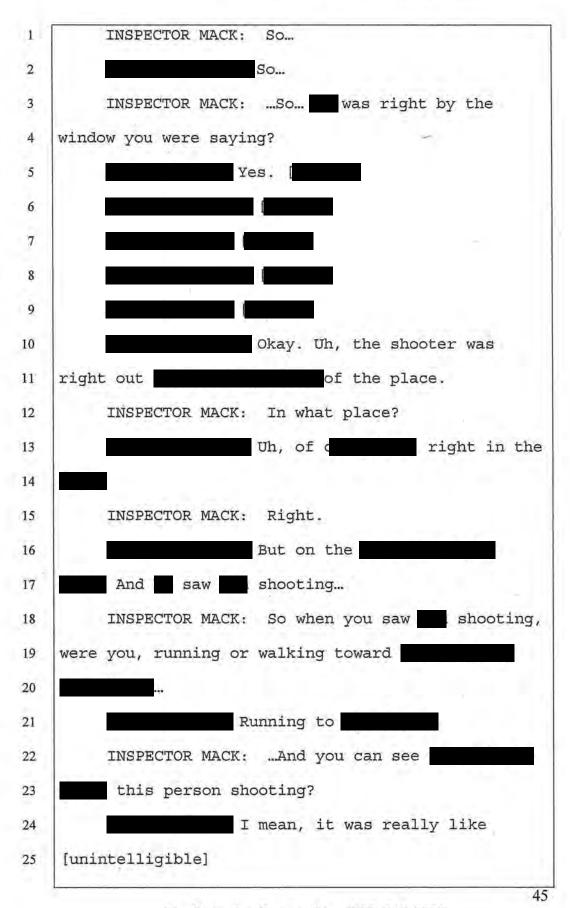


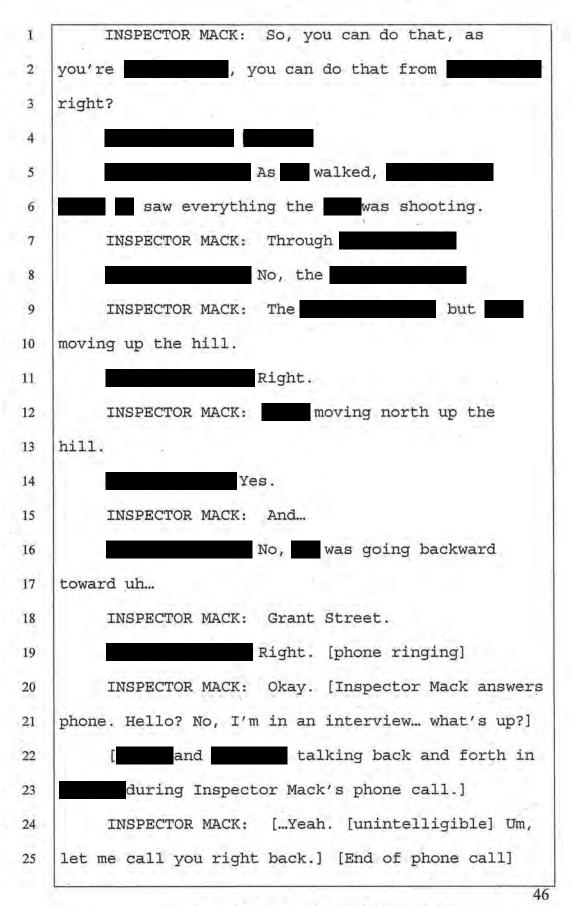
Star Reporting Service, Inc. (415) 348-0050

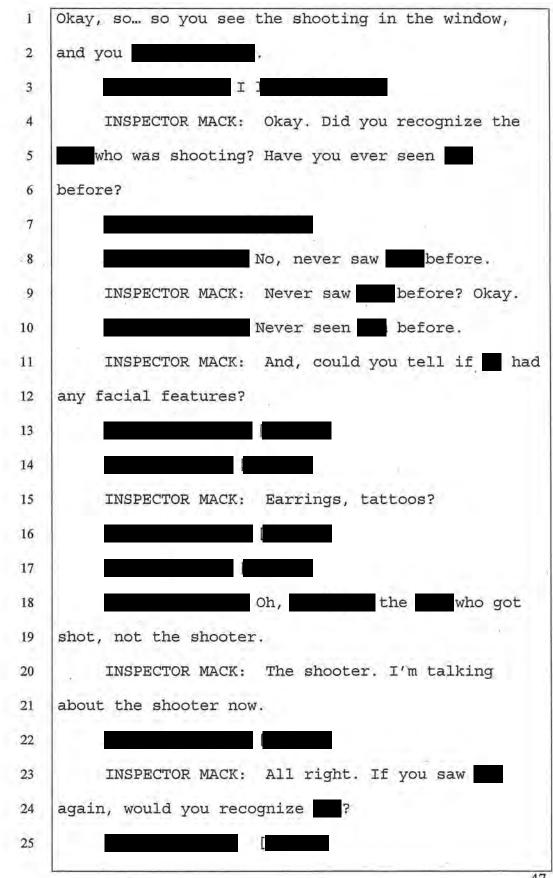
00539 SFPD 100609942



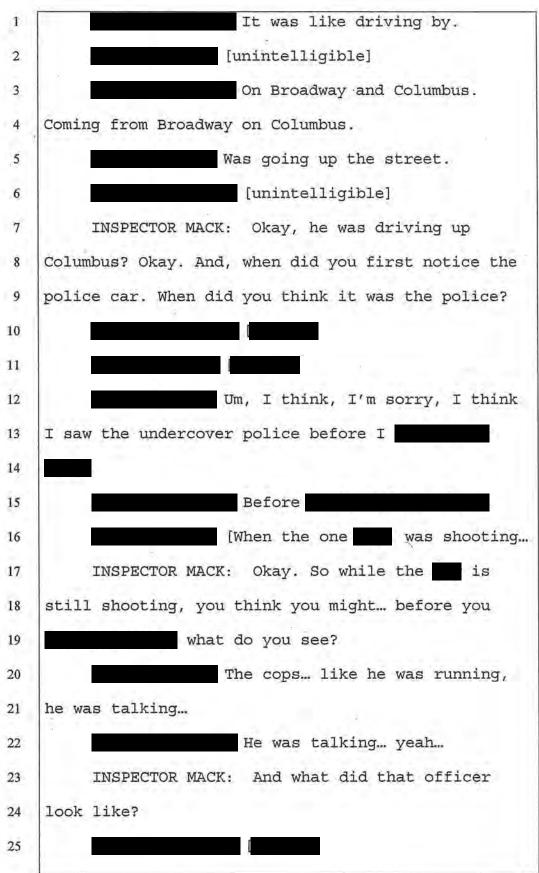
Star Reporting Service, Inc. (415) 348-0050

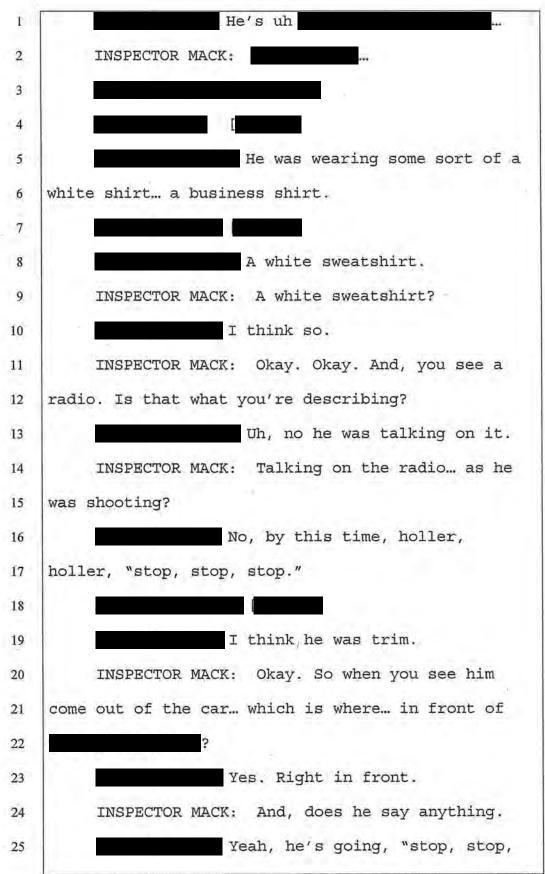


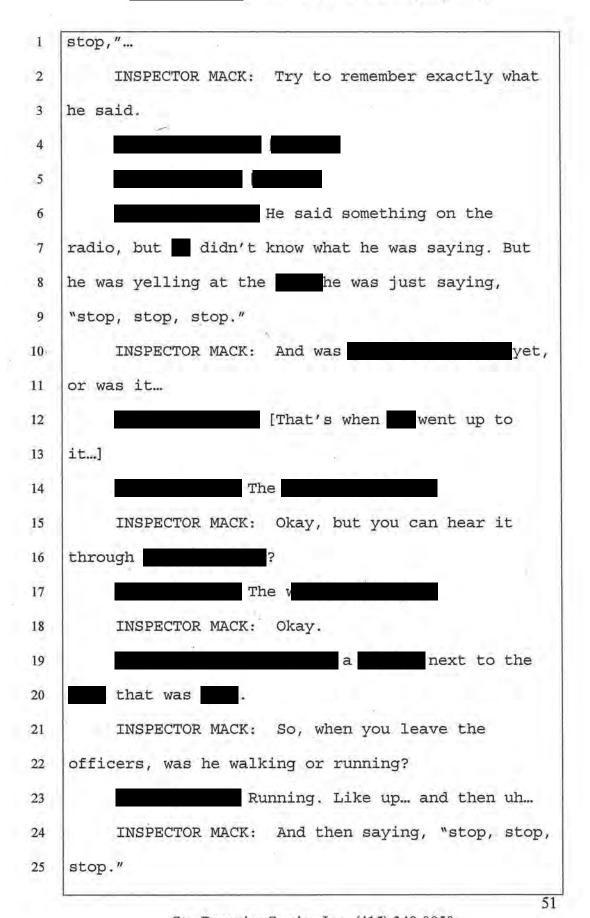




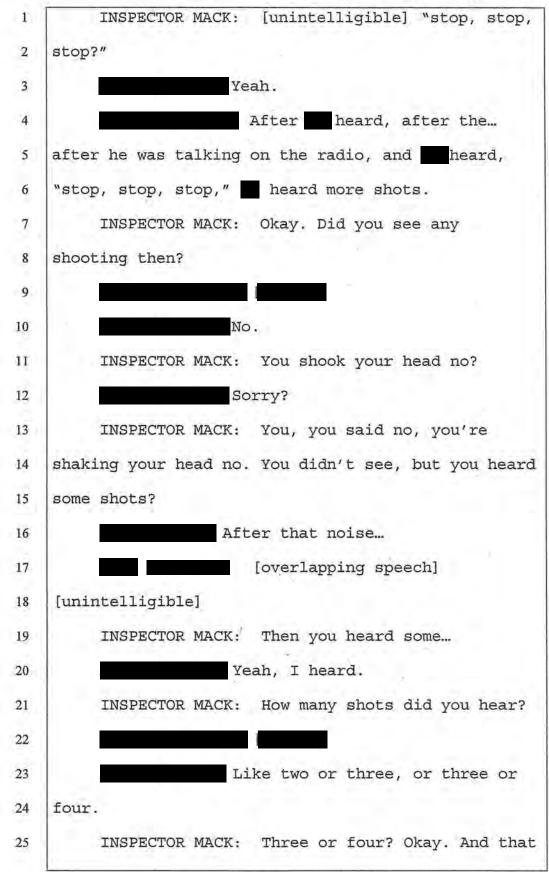
```
1
                       Maybe.
 2
          INSPECTOR MACK: All right. So ...
 3
          INSPECTOR MACK: So, after you shut the door,
 4
 5
     what happens next?
 6
 7
                      Oh, I saw the, the undercover.
8
     He was following and telling "stop, stop,
     stop." And he start, and he start... I think he shoot
 9
 10
        , I think so. He started shooting.
          INSPECTOR MACK: Okay. How do you know he was
 11
 12
     an undercover.
 13
                       He was an undercover. He was
     holding the [unintelligible]
 14
 15
 16
                             knows police, knows
 17
     some, has some police friends, so knows...
 18
     can tell.
 19
 20
          INSPECTOR MACK: Okay. So, so, so, they were
     in a car, and where was the car?
 21
 22
                         It was a Ford car.
                        Ford, uh... not white. Almost
 23
 24
     white.
          INSPECTOR MACK: Okay. But where was it?
 25
```



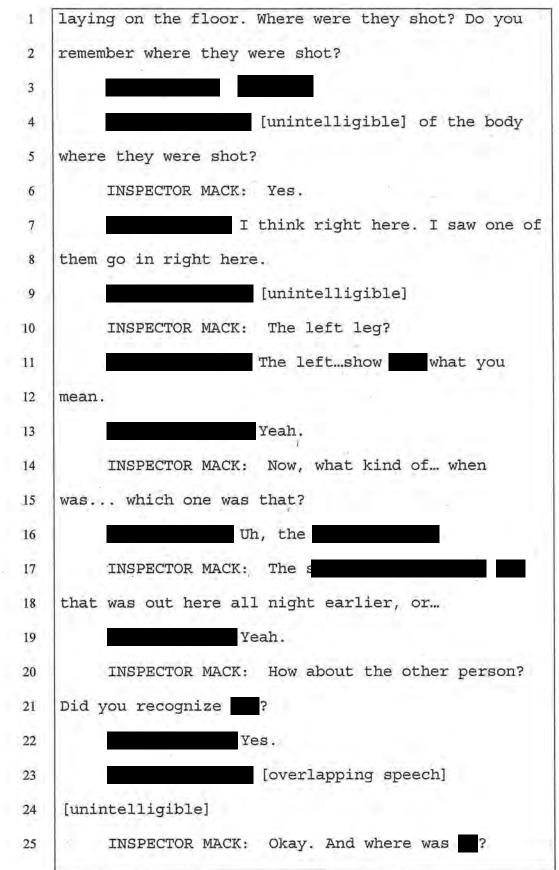


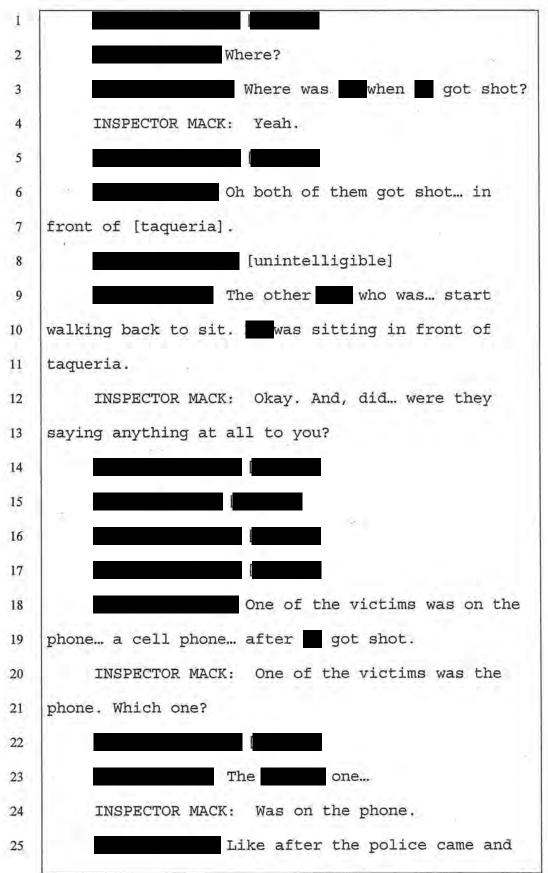


```
"Stop" ...
 1
 2
                          He was saying a few things
     didn't understand.
 3
          INSPECTOR MACK: Okay. A few things
 4
     understand? Okay. But you understood the word
 5
 6
     "stop"?
 7
                        Yes.
 8
          INSPECTOR MACK: Okay. And, what happened
 9
     next?
10
11
                          Police cars start coming in,
12
     uh, ambulance... ambulance?
13
14
                         Firemen, Fire department.
15
16
          INSPECTOR MACK: Okay. And, when you believe
17
     the officer coming out of their car on the radio,
18
     to be yelling, "stop, stop, stop," uh, can you see
     anything with the officer, or hear anything else
19
     from the officer? Did you notice? Did you see a gun
20
21
     out?
22
                                  Well I heard... like
23
     after that I heard another like shot, but it was
24
     very... yeah...
25
```

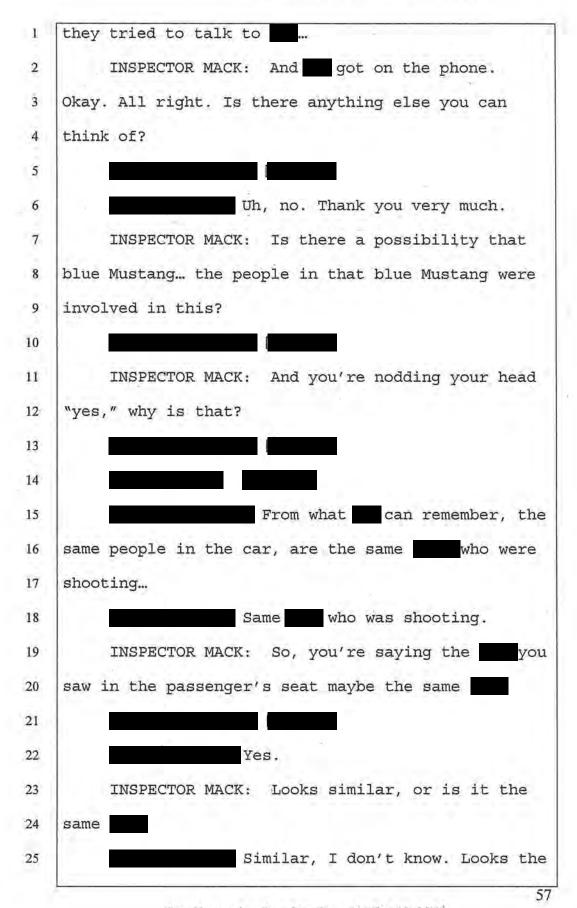


```
wasn't in front of here?
  1
  2
                       Yeah, no.
  3 -
          INSPECTOR MACK: And you didn't see it? You
  4
     just heard it?
 5
                        Heard it.
          INSPECTOR MACK: And how long was that after
  6
  7
     you saw the officer on the radio saying, "stop,
     stop, stop?"
 8
 9
                        It was a few seconds... maybe
 10
     about two minutes...
 11
                         Two seconds or minutes?
 12
                    It was like one minute, like
13
     less than one minute.
 14
           INSPECTOR MACK: Like less than one minute?
                        Yeah.
 15
 16
          INSPECTOR MACK: Okay. All right. And, what
 17
     happened next?
 18
                      I didn't see nothing.
 19
           INSPECTOR MACK: That's it?
 20
                        Nothing.
           INSPECTOR MACK: Okay. Did you see the victims
 21
      laying on the floor?
 22
 23
 24
                         Yes.
           INSPECTOR MACK: And who were those two people
 25
```





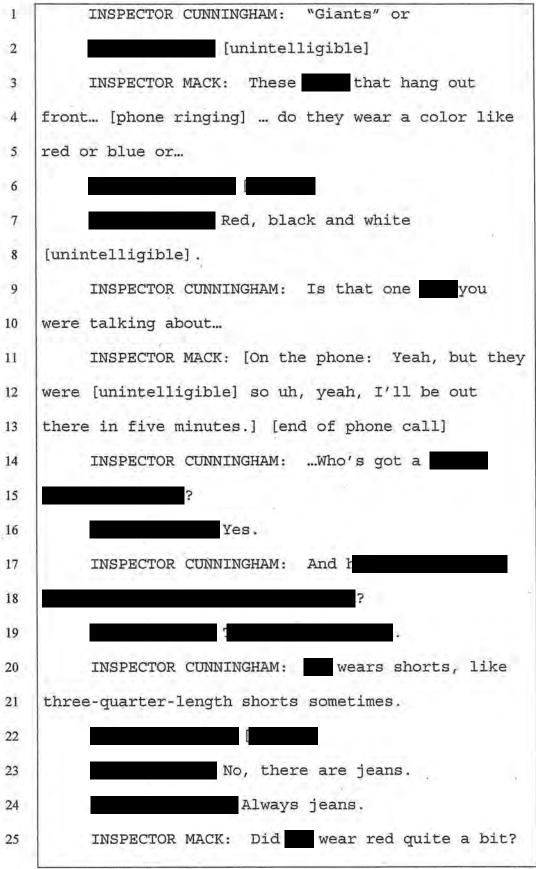
1.5



Star Reporting Service, Inc. (415) 348-0050

```
1
     same ... similar.
 2
          INSPECTOR MACK: Okay. All right. Can you
  3
     think of anything? Okay. This will uh...
 4
          INSPECTOR CUNNINGHAM: Just for clarification ...
 5
     the people in the Mustang, you don't know what race
 6
     they were?
  7
 8
9
          INSPECTOR CUNNINGHAM:
                                 They were
10
                        I believe so.
 11
          INSPECTOR CUNNINGHAM: Was there anything
 12
     significant about the clothes they were wearing?
     Were they wearing red, or black?
 13
14
                        Black.
          INSPECTOR CUNNINGHAM: Black?
 15
16
                        Dark color.
17
          INSPECTOR CUNNINGHAM: Dark color.
18
19
 20
                          Dark color with a cap.
 21
          INSPECTOR CUNNINGHAM: The caps they wore, or
     their shirts, did they say "San Francisco" on it or
 22
     "Oakland," or anything like that you noticed?
 23
          INSPECTOR MACK: Maybe they didn't realize
 24
     because they were...
 25
```

)

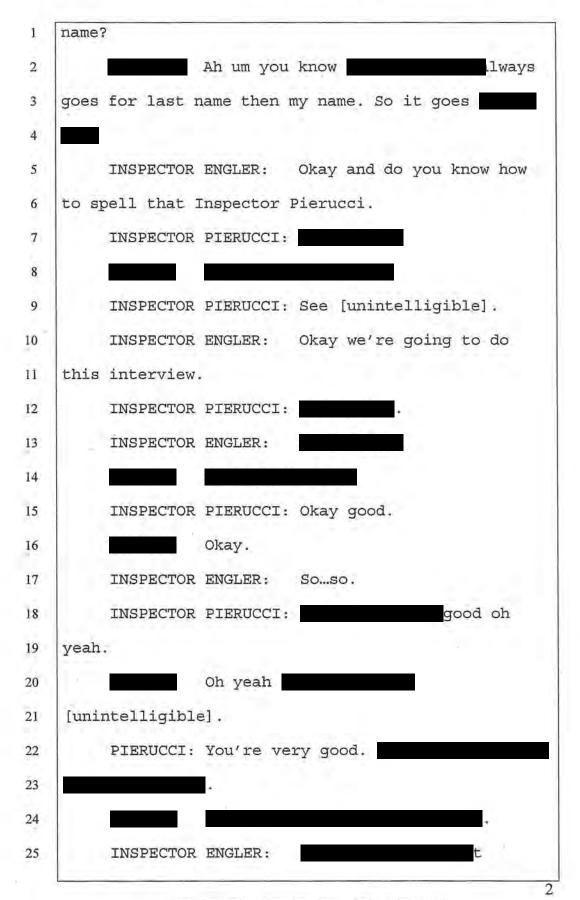


Uh, yeah. 1 who got shot? The 2 INSPECTOR MACK: Yeah. 3 Most of the time red, black and 4 white shirts with mixed, you know caps... red, black... 5 INSPECTOR MACK: Okay. All right. 6 Mainly red. 7 INSPECTOR MACK: Mainly red. Okay. Uh, this 8 9 concludes the interview. It is ten after five. END OF DOCUMENT 10

Star Reporting Service, Inc. (415) 348-0050

60

```
1
        INSPECTOR PIERUCCI: Okay mine's started it's
   going to start. He's going to come over now so
2
   let's see there he goes.
   INSPECTOR ENGLER: Okay today's date is July 3rd
4
   2010. The time is 7:37.
5
6
         [INSPECTOR]: Yeah.
7
       INSPECTOR ENGLER: In the AM...this is
    Inspector Joseph Engler Star 239. With me is my
8
9
   partner.
        INSPECTOR PIERUCCI: Pierucci 1604.
10
11
        INSPECTOR ENGLER: Okay.
        INSPECTOR POSADA: And ah Jim Posada San
12
13
    Francisco District Attorney investigator 7044.
14
         INSPECTOR ENGLER: Okay we're...we're
15
    investigating Case No.: 100 609 942. This is in
   regards to an incident that happened tonight around
16
    the Columbus and Broadway area some time after 1:00
17
18
    in the morning.
19
                  Exactly yeah.
20
         INSPECTOR ENGLER: Okay sir what is your
21
   name?
             Well I'm
                       it goes but you can go
22
23
           because that is what they call me
24
         INSPECTOR ENGLER:
                             Okay well what's your full
25
```



	INSPECTOR ENGLER: Okay so if I ask anything.
	Yeah.
8	INSPECTOR ENGLER: That you're not sure
	about.
	Okay.
	INSPECTOR ENGLER:
)	Okay.
)	INSPECTOR PIERCCI:
2	INSPECTOR ENGLER: We'll make sure everybody
3	understands.
1	Perfect.
5	INSPECTOR ENGLER: So we have both things
5	going.
7	Okay.
3	Hi.
)	INSPECTOR ENGLER: Whatwhat did you see
)	tonight just after 1:00some time between 1:00 and
l	2:00 in the morning in that area. Where were
2	you at [unintelligible]?
3	We were at the bar just like having
4	drink, me and and and we're just
	sitting at the bar and then we like had first drink

```
and everybody said okay we're tired let's go home.
   So we walking to house then we're trying
2
   to get a taxi to go to our hotel. The thing
3
       said this pizza place is really good and
   planning like to come with me tomorrow here in San
5
   Francisco. So we felt like we can't come back for
7
   lunch just to have some pizza. So I'm kind of a
   little hungry so I said let's go get that
8
   pizza because it's just a small piece to see how is
9
   it.
10
        INSPECTOR PIERUCCI: Yeah.
11
                  So we crossed the street and we saw
12
   just some bunch of they're staying in front
13
   of not the pizza place.
14
15
        INSPECTOR PIERUCCI: Taqueria.
                  Taqueria that was they got like some
16
17
   sexy photo.
        INSPECTOR PIERUCCI: Right.
18
                  Of this and that on the front door.
19
        INSPECTOR ENGLER: Oh there's a nightclub
20
   there...there's a gentlemen's club.
21
                  [Unintelligible].
22
         INSPECTOR ENGLER: Called ah.
23
24
                  Ah yeah.
25
         INSPECTOR ENGLER: Little Darlings.
```

1	Exactly andand I think the
2	shoot the other people been attending exactly
3	with those other because didn't come from a
4	different place.
5	INPECTOR ENGLER: So this group of people in
6	front of thisthis club I through out Little
7	Darlings is thatdo you think that's the place or
8	you're not sure.
9	It is.
10	INSPECTOR ENGLER: Oh it's okay.
11	This is the place yeah.
12	INSPECTOR ENGLER: Ah how many people were
13	standing in that group?
14	It's about like from fivesix
15	people.
16	INSPECTOR ENGLER: Okay were theydid they
17	look like they were all friends or was there an
18	argument or could you tell.
19	Um not really just like um very
20	normal and some of them I think they are a little
21	drunk not like 100% awake. We didn't really pay
22	attention that much because we just want to go to
23	the pizza. And we all [unintelligible] these
24	and we just looked through the window because the
25	pizza. And I said well they have the pesto one so I

want to get that one pesto and said okay 1 2 yeah let's go and take that one. At the same time 3 said I want to go and to the tobacco and just like um like a gum or something after ... after a 4 5 drink you know. INSPECTOR PIERUCCI: Yeah. 6 7 Just to have a qum. So I thought 8 okay you go and we going to go to the pizza and we 9 get the pizza and you get the gum and we come back 10 here. Said okay so we went me and pizza place and we asked the we want a small 11 piece because we already had dinner. So I said 12 okay the one with ... with pesto and he just put the 13 14 pizza in just to heat it a little bit. And well 15 I'd say like in two minutes he gives us the pizza and we...I paid the money and we want to go away. We 16 17 don't want to stay but at the same time we're going come back from the tobacco shop and 18 19 said why you have to walk. Let's sit down here and 20 eat and said yeah that's a good idea let's 21 sit down here and eat for five minute then we go to the hotel so okay that's a good. So we coming back 22 23 I just set the pizza on the table and | tooking the chair to sit down and . 24 to get another chair to sit near to me and that's 25

```
when we just heard the shooting. It's the
1
2
   things all that happened when I'm just like looking
   to the other people because I'm trying to get a
3
   good place to sit.
4
5
        INSPECTOR PIERUCCI: Right.
6
                    So I'm just kind of like I'm moving
7
   and I saw the just come back from the group
   where sitting because the pizza shop is
8
   exactly the next door from the ... the club where
9
   they're hanging out.
10
11
         INSPECTOR ENGLER:
                             Right.
                  So just came back and took the
12
   gun...a big gun not a small one kind of a big gun and
13
14
     starts shooting that direction.
15
         INSPECTOR ENGLER: So you did a motion from
   it looked like well from what you did was from your
16
    right hip waistband. Was it from the right side
17
    the left side the middle was there any.
18
                  No I think from this side but I did
19
20
    some like examples with the gun but I just saw
    with the gun and shooting.
21
         INSPECTOR ENGLER: Okay so you ... you pointed to
22
    your right side.
23
24
                   Yeah.
                             Is it possible that that's
25
         INSPECTOR ENGLER:
```

```
where it came from or do you know that ... it came
2
   from.
                  Yeah I think so yeah I remember
3
4
   because I'm just kind of like.
        INSPECTOR ENGLER:
                           Yeah you can show me stand
5
   up stand up.
6
7
                  Yeah yeah.
        INSPECTOR ENGLER: Okay show me what
8
9
   What did you see?
                  Okay like we kind of pulled from
10
   the ... the front door of the shop.
11
12
        INSPECTOR ENGLER:
                            Yeah.
                  But I'm just sitting the pizza and
13
   let's say this is the front door not here. This is
   the front door.
15
16
        INSPECTOR ENGLER: Ah ha.
                  I'm sitting the pizza...
17
18
         in the middle [
                                         just went
19
   took the chair to sit down and I sit the pizza and
   I heard the shooting so I looked at and
20
   with a gun shooting other
21
   the other because um the ... the like the ... the
22
    [spot] between the two shops is not...is not...it's not
23
   biq.
24
25
        INSPECTOR ENGLER:
                            Right.
```

```
1
                  It's just small...small window is the
2
   pizza and the wall and there is the
3
   [unintelligible].
        INSPECTOR ENGLER: Very narrow.
4
5
                  Very narrow.
                            Right.
6
        INSPECTOR ENGLER:
7
                  And
                      come back then actually
         come back not staying in front of
8
9
   the window where's the pizza. staying...
10
   staying exactly from the door where is the entrance
   to the pizza.
11
        INSPECTOR ENGLER:
                            Ah ha.
12
13
                      kind of like ... kind of
   like a little far from them and I just saw and
14
15
   shooting about like five ... six times and run away.
                           Ah ha.
16
        INSPECTOR ENGLER:
                  And actually at the same time I felt
17
   like very confused because
18
19
   shaking under the table.
        INSPECTOR ENGLER:
20
                            Ah ha.
21
                             said I want to go to
                  And
22
   see because everybody in the shop has gotten crazy.
   There's two couples and the ... the pizza
23
    went running to the front door and close it
24
   because was so afraid and the other people
25
```

```
they're just standing around it's just everybody
2
   you know like ah just very emotional at that time
3
   and some of the chey went to look. So I want
   to go look and
                   keep pulling my sweater
4
5
   don't go don't go and at the same time don't
   move stay here. I said okay [unintelligible] I
6
7
   just want to look. said no don't go look. So
8
   they don't let me go look but just after two
9
   minutes I ... since the start running I saw
10
   the time like there's a police car.
11
        INSPECTOR ENGLER:
                             Ah ha.
                  They start to follow
12
        INSPECTOR ENGLER: Was it a black and white
13
14
   car or?
                  Black and white car.
15
16
         INSPECTOR ENGLER:
                            Okay.
17
                  Yeah I don't ... I don't know if
   because the things when start running the street
   is kind of like goes to the ... two different
19
   directions.
20
21
         INSPECTOR ENGLER:
                            Ah ha.
                  Or you go straight on ahead or you
22
    can turn to small street.
23
         INSPECTOR ENGLER: In there's like
24
    [unintelligible].
25
```

1	[Unintelligible] a little alley it's
2	hard to get.
3	INSPECTOR ENGLER: So did you see ?
4	I saw
5	INSPECTOR ENGLER: Wherewhere did you see
6	go when was done shooting?
7	Thus um like this is the entrance we
8	come through this way we come on the pizza and
9	came back from the group and hit the people and
10	went that way. So the direction went to it's
11	kind of like to the tobacco shop. It's ahit's
12	more okay this is.
13	INSPECTOR PIERUCCI: Say this is the pizza
14	place. Everybody's putting a box here okay.
15	Okay.
16	INSPECTOR PIERUCCI: Pizza place.
17	Yeah.
18	INSPECTOR PIERUCCI: All right.
19	Yeah.
20	INSPECTOR PIERUCCI: All right so you go ahead
21	and put where was.
22	Yeah wewe came walking um through
23	the streets you know like here just kind of like
24	the streets thatthat that's the street and we were
25	at the bottom here. We walked to this way and

there's traffic light here and we crossed the street. 2 INSPECTOR PIERUCCI: Okay. 3 And at the same time we crossed the 4 street we can't like walk in between the group of 5 the who they're staying here sorry not 6 7 here ... exactly here. So we saw the group of the 8 and we turned and we went to the pizza. 9 INSPECTOR PIERUCCI: Okay but you...you would be walking down Columbus right ... are you walking down 10 Columbus. 11 I don't know really the name of the 12 13 street. 14 INSPECTOR ENGLER: Okay yeah. But I think yeah [unintelligible]. 15 INSPECTOR ENGLER: Because yeah so. 16 17 Italian ah shops and Italian 18 [unintelligible]. INSPECTOR PIERUCCI: Yeah okay let's go with 19 it. So you'd be walking down Columbus. Grant 20 21 Avenue is here. You...you know where Grant Avenue is? 22 23 Um. INSPECTOR PIERUCCI: And. 24 25 Okay yeah.

```
INSPECTOR PIERUCCI: Yeah and then so people
1
   put there here but you'd be walking over here.
2
3
                   Okay.
         INSPECTOR PIERUCCI: So you walk in this
4
5
   way ... you walk in this way.
         INSPECTOR ENGLER: This way is where
6
                   Yeah it's.
7
         INSPECTOR PIERUCCI: You...you walk in from the
8
9
    sidewalk into the pizza place.
10
         INSPECTOR ENGLER:
                             Okay.
11
                  Okay.
12
         INSPECTOR PIERUCCI: Okay in the back of the
   pizza place.
13
14
                   Oh okay.
15
         INSPECTOR PIERUCCI: In here.
16
                    [Unintelligible] I'm in the opposite
17
    I'm sorry yeah no because when...when I thought we
    were on that side um the bar ... the bar .
18
19
         INSPECTOR PIERUCCI: This is going down toward
20
    Broadway.
                    Exactly the bar it was here.
21
         INSPECTOR PIERUCCI: Okay the bar was down on
22
23
    Broadway.
                    I think so.
24
         INSPECTOR PIERUCCI: Okay that's fine.
25
```

1	Because it's kind of like the
2	direction we coming fromwe're coming from kind of
3	like the downtown.
4	INSPECTOR PIERUCCI: Okay yeah soso you're
5	down at the corner where Broadway is.
6	Exactly.
7	INSPECTOR PIERUCCI: You cross the street.
8	We cross the street.
9	INSPECTOR PIERUCCI: And you're going up
10	Columbus to go into the pizza place.
11	Perfect.
12	INSPECTOR PIERUCCI: Okay so this is where
13	you're going all right. So you're down here.
14	Okay.
15	INSPECTOR PIERUCCI: You cross the street.
16	Exactly.
17	INSPECTOR PIERUCCI: You're going up Columbus
18	and you're going to go in the pizza place.
19	Perfect.
20	INSPECTOR PIERUCCI: Okay.
21	Exactly.
22	INSPECTOR PIERUCCI: That's what you did.
23	Yeah yeah.
24	INSPECTOR PIERUCCI: All right so go ahead and
25	just draw the arrow going out.

1	Okay yeah we come to this way.
2	INSPECTOR PIERUCCI: Yeah.
3	The when run away run away
4	in the other direction not the direction where we
5	come from.
6	INSPECTOR PIERUCCI: All right so where did the
7	go just ran out ofout from the ah sidewalk
8	here.
9	Yeah yeah.
10	INSPECTOR PIERUCCI: And just kept going.
11	And just start running. After
12	the shooting just runreally fast.
13	INSPECTOR PIERUCCI: Okay you just saw go,
14	Yeah I yeah I after finished like
15	sixfive times.
16	INSPECTOR PIERUCCI: Ah ha.
17	And just sort of turned and
18	run.
19	INSPECTOR PIERUCCI: Okay.
20	That's it I kind of like looked that
21	way and that's why I saw like the car. I said well
22	probably they're going to find it because it's
23	notnot long time between the time run away and
24	the police car come.
25	INSPECTOR PIERUCCI: Ah ha okay.

Yeah.
INSPECTOR PIERUCCI: About how much time when
ran away and then you saw the police were you
stillyou were still in the back of the pizza
place.
I still in the back in between
shaking and tell me stay here don't
move.
INSPECTOR PIERUCCI: Right.
And everybody is scared so you know
kind of like.
INSPECTOR PIERUCCI: Okay so all right let's
get this you know slow okay.
Okayokay.
INSPECTOR PIERUCCI: All right you're across
the street.
Ah ha.
INSPECTOR PIERUCCI: And you're you're crossing
now ah Broadway.
Okay.
INSPECTOR PIERUCCI: You're crossing the
street,
Okay.
INSPECTOR PIERUCCI: Broadway right.
Ah ha.

```
INSPECTOR PIERUCCI: You're on Columbus.
1
2
                   Ah ha.
3
        INSPECTOR PIERUCCI: You're you know you're
   going up the street and you're going to go into
   this pizza place that . was telling you
5
   about ... it's a good place.
6
                   Exactly.
7
        INSPECTOR PIERUCCI: decides
8
   to go up and get some mints or whatever it is
   right.
10
11
                   Exactly yeah.
         INSPECTOR PIERUCCI: And you go inside because
12
   you like pesto pizza.
13
                   Exactly...exactly.
14
        INSPECTOR PIERUCCI: [Unintelligible] okay and
15
16
   you go inside.
17
                   Yeah.
         INSPECTOR PIERUCCI: With ah
18
19
                   Exactly.
20
         INSPECTOR PIERUCCI: And you
                                      order the
21
   pizza.
22
                   Ah ha.
         INSPECTOR PIERUCCI: And you're about to walk
23
    out.
24
                   Yeah.
25
```

INSPECTOR PIERUCCI: After about two minutes he 1 2 you know [unintelligible]. Exactly he heated it. 3 INSPECTOR PIERUCCI: So you're about to walk 4 5 out the door and here comes . had already 6 bought what needed to buy. 7 Exactly. INSPECTOR PIERUCCI: And tells you why are 8 9 why do you want to eat it and go away? Why don't you just sit in the back right? 10 11 Exactly. 12 INSPECTOR PIERUCCI: And so you sit in the 13 back. Yeah. 14 15 INSPECTOR PIERUCCI: Now you're about to put...you put your pizza down. 16 17 Yeah. 18 INSPECTOR PIERUCCI: And you hear a couple of shots is that ... is that. 19 20 Exactly more than a couple about 21 like. 22 INSPECTOR PIERUCCI: Okay. Four or five times. 23 24 INSPECTOR PIERUCCI: All right so you hear four 25 or five shots.

1	Yes.
2	INSPECTOR PIERUCCI: All right you turn around.
3	Yeah I didn't really turn because
4	the thingsthe shops it's not like this so let's
5	say this is the table.
6	INSPECTOR PIERUCCI: Yeah right.
7	And that's the pizza
8	INSPECTOR PIERUCCI: Right okay.
9	And come on the
10	front door and said let's sit inside and
11	we eat the pizza.
12	INSPECTOR PIERUCCI: Right okay.
13	Okay no problem. So walked
14	in here and I'm walking behind .
15	INSPECTOR PIERUCCI: Okay.
16	Holding the pizza.
17	INSPECTOR PIERUCCI: Ah ha.
18	And behind me.
19	INSPECTOR PIERUCCI: Right.
20	We got to the table.
21	INSPECTOR PIERUCCI: Okay.
22	The table has got like two chairs
23	here.
24	INSPECTOR PIERUCCI: Right.
25	And two there.

1	INSPECTOR PIERUCCI: Okay.
2	But want to sit here.
3	INSPECTOR PIERUCCI: Okay.
4	So just wanted to be close.
5	INSPECTOR PIERUCCI: Yeah wants to be
6	closer yeah.
7	Exactly so went to get
8	the chair and I didn't took the chair but I said
9	let's sit the pizza first then I took the chair and
10	I sit. So I sit the pizza and I heard the shots. I
11	heard the shooting.
12	INSPECTOR PIERUCCI: You sit the pizza and now
13	which way are you looking up?
14	That that's the front door.
15	INSPECTOR PIERUCCI: That's the window okay.
16	That why I [unintelligible] how
17	shooting.
18	INSPECTOR PIERUCCI: So that's the front door.
19	So where is thewhere I the good now.
20	Exactly the front door yeah.
21	INSPECTOR PIERUCCI: Is right in the middle
22	of the front door.
23	Yeah this is the front door.
24	exactly on the front door.
25	INSPECTOR PIERUCCI: Okay all right all right.

1	And at the same time I told like
2	there's the pizza here and there's two couples
3	from .
4	INSPECTOR PIERUCCI: Ah ha.
5	Sitting and one sitting I think
6	by himself and a few different just they just
7	sitting by themselves all eating pizza.
8	INSPECTOR PIERUCCI: Okay.
9	So that's why in the same time when
10	that happened.
11	INSPECTOR PIERUCCI: Ah ha.
12	starts shaking and
13	went really down the table.
14	INSPECTOR PIERUCCI: went down.
15	Yeah.
16	INSPECTOR PIERUCCI: Okay.
17	Completely down and started to
18	kind of.
19	INSPECTOR PIERUCCI: Pulling you down.
20	Stay here and .
21	between because wanted to take the chair.
22	INSPECTOR PIERUCCI: Okay.
23	To sit it here. in between and
24	saw that when sitting exactly
25	there saw that and come back to me and

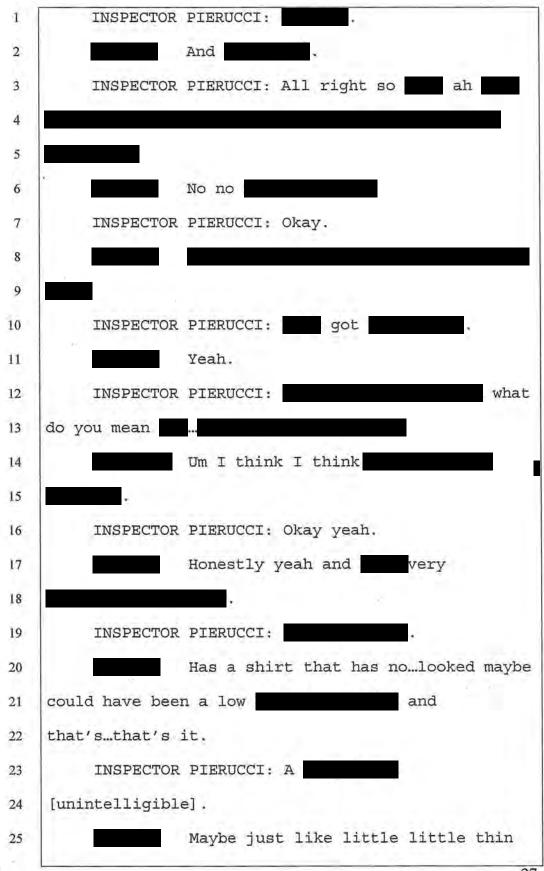
```
start yelling to everybody in the ...in the pizza
1
          said close the [fuch] door now close the
2
    door now down close the door and everybody go down.
3
    That's what start saying.
         INSPECTOR PIERUCCI: Okay.
5
                       turned to me and said
                  And
6
    [unintelligible] still here. I said okay okay but
7
        already gone.
8
9
         INSPECTOR PIERUCCI: Here...here's what I want
    you to do though. When you put your pizza down.
10
11
                   Yeah.
         INSPECTOR PIERUCCI: And you looked up cause
12
    you heard the four or five or six.
13
                   Yeah.
14
         INSPECTOR PIERUCCI: Shots right.
15
16
                   Yeah.
17
         INSPECTOR PIERUCCI: You heard that ... you saw
          framed in.
18
    this
19
                   No.
20
         INSPECTOR PIERUCCI: No.
                   I'm...I'm sitting I'm this way.
21
22
         INSPECTOR PIERUCCI: Yeah.
                      not in front of me.
23
         INSPECTOR PIERUCCI: Right
24
25
    [unintelligible].
```

1	staying to this way so I saw
2	side here.
3	INSPECTOR PIERUCCI: Okay you saw left
4	profile.
5	left yeah and shooting
6	this way.
7	INSPECTOR PIERUCCI: Okay which way is
8	shooting? Ifif you walked up this way and ah you
9	walked into the pizza place.
10	Yeah.
11	INSPECTOR PIERUCCI: Which way is shooting?
12	Show me an arrow where
13	Thethe club the direction exactly
14	to the they staying in front of the club.
15	INSPECTOR PIERUCCI: Okay so would be
16	shooting.
17	Yeah like this is the club here.
18	INSPECTOR PIERUCCI: Yeah.
19	We went to the restaurant here.
20	INSPECTOR PIERUCCI: Yeah.
21	And this is the front door.
22	INSPECTOR PIERUCCI: Yeah.
23	staying here and this is the
24	club.
25	INSPECTOR PIERUCCI: Yeah.

```
And there's the bunch of
1
                                                  here
    sitting [unintelligible].
2
3
         INSPECTOR PIERUCCI: And
                                  shooting that
4
    way.
5
                   And shooting [down].
6
         INSPECTOR PIERUCCI: All right I'm ... I'm if ... if
    you don't mind I'm just going to put a little
7
8
    arrow.
9
                   Okay.
         INSPECTOR PIERUCCI: Shooting that way.
10
11
                   Yes.
12
         INSPECTOR PIERUCCI: And right in front
    there you see ! and h shooting that way.
13
14
    shooting...this would be south...shooting southeast
    south.
15
                   Yeah south okay that way.
16
17
         INSPECTOR PIERUCCI: Toward...toward Broadway.
                   Exactly well let's say if I'm...if I'm
18
    staying in the shop and the pizza this way
19
    shooting to my left.
20
         INSPECTOR PIERUCCI: Left okay yeah.
21
                       standing to this way.
22
         INSPECTOR PIERUCCI: Okay.
23
24
                   And
                        was shooting and I'm seeing
        this way.
25
```

1	INSPECTOR PIERUCCI: Right you've seen over
2	that way right.
3	Yeah.
4	INSPECTOR PIERUCCI: Okay.
5	So shooting in that direction.
6	INSPECTOR PIERUCCI: Right.
7	Because the standing and.
8	INSPECTOR PIERUCCI: What hand was ? What
9	hand did you see ?
10	Um you mean like the gun?
11	INSPECTOR PIERUCCI: Yeah what hand did have
12.	the gun in?
13	Um I think thisthis hand.
14	INSPECTOR PIERUCCI: had the right hand.
15	Yeah I'm sure because um I just
16	looked the way how shooting.
17	INSPECTOR PIERUCCI: Ah ha.
18	And because been shooting
19	like did that about like five times.
20	INSPECTOR PIERUCCI: Ah ha.
21	So that kind of like tookneeds a
22	little time because when I saw keep
23	shooting.
24	INSPECTOR PIERUCCI: Ah ha okay.
25	So did like five or six times and

30	that's why II kind of like it's a big gun with
1	
2	hands.
3	INSPECTOR PIERUCCI: And you saw the fire
4	coming out of the gun or all that. Did you see
5	that?
6	I saw the fire yeah.
7	INSPECTOR PIERUCCI: All right.
8	We didn't heard any like people
9	fighting or any people saying things nothing. It's
10	just being very quiet very normal like in a second
11	just saw the gun shooting the other it's very
12	crazy.
13	INSPECTOR PIERUCCI: Okay do me a favor tell me
14	what the looked like?
15	The kind of like see here's
16	the things in we say
17	INSPECTOR PIERUCCI: Okay.
18	But not let's say
19	as .
20	INSPECTOR PIERUCCI: Okay say howhow do
21	
22	No a
23	INSPECTOR PIERUCCI:
24	
25	



```
like hard to see it but you know when you see the
2
   face.
        INSPECTOR PIERUCCI: Yeah yeah.
3
4
                  It's easy to see the right
5
   here.
        INSPECTOR PIERUCCI: Okay all right um.
6
7
        INSPECTOR PIERUCCI: How tall was
8
9
10
            . So let's say about I'm saying
   the pizza by the way I looked to kind of
11
12
   like a little bit shorter than them so it's not
   that tall.
13
14
        INSPECTOR PIERUCCI: How tall are you?
15
16
17
        INSPECTOR PIERUCCI:
18
                  Yeah.
19
        INSPECTOR PIERUCCI: And.
                               [unintelligible].
20
        INSPECTOR PIERUCCI: Okay so I...I...I'm
21
   tall.
22
23
                  Okay.
24
       INSPECTOR PIERUCCI: Okay
25
   where.
```

1	So I'm a little taller than you.
2	INPSECTOR PIERUCCI: Yeah.
3	Okay.
4	INSPECTOR PIERUCCI: I don't know if you're
5	taller yeah you probably are.
6	Well okay a little shorter than
7	both of us.
8	INSPECTOR PIERUCCI: Okay just a little bit
9	shorter.
10	Just a little bit. Let's saylet's
11	say yeah shoulder comes to here.
12	INSPECTOR PIERUCCI: [Unintelligible] 5.
13	Kind of like yeah.
14	INSPECTOR PIERUCCI: Okay [unintelligible] all
15	right all right okay um anyanything
16	around la Anything wearinganything at all?
17	No by the way I saw like the
18	side.
19	INSPECTOR PIERUCCI: Left okay.
20	I didn't see nothing here not like
21	ear um.
22	INSPECTOR PIERUCCI: Okay.
23	Ears with how do you call this.
24	INSPECTOR PIERUCCI: No earring.
25	No earring.

1	INSPECTOR PIERUCCI: Okay clothing.
2	Well here's the thing. I didn't
3	really pay attention to shirt more than I
4	looked at the gun but I told like I think
5	had kind of dark beige shirt not really dark.
6	So said no I think had like kind of
7	dark like a black and dark and blue shirt and I
8	said I didn't reallyI didn't really pay attention
9	to clothing but.
10	INSPECTOR PIERUCCI: Okay.
11	It's not like I noticed
12.	clothing's kind of like a little loose loser than.
13	INSPECTOR PIERUCCI: The clothing was loose how
14	about pants?
15	I think it was blackblack yeah.
16	INSPECTOR PIERUCCI: Okay.
17	And a little bit
18	too.
19	INSPECTOR PIERUCCI: Okay.
20	not a tiny got like
21	shoulders. That's why even like um to confirm that
22	by the way got the gun shooting at
23	people.
24	INSPECTOR PIERUCCI: Ah ha.
25	It's like a strong it's not like

not tiny.	
INSPECTOR PIERUCCI: Okay strong not tiny	7.
Yeah kind of like so.	
INSPECTOR PIERUCCI: Muscular yeah okay.	
INSPECTOR: After you you know	
runs.	
Yeah.	
INSPECTOR PIERUCCI: But runs away from you	our
side like passes that window.	
Yeah.	
INSPECTOR PIERUCCI: Correct.	
Yeah.	
INSPECTOR PIERUCCI: passes the window.	
Yeah.	
INSPECTOR PIERUCCI: Okay now you don't see	1
anymore.	
Here's the things because	
and they start yelling to me.	
INSPECTOR PIERUCCI: Yeah.	
II didn't really pay attention to	0
what was going on but what I'm doing I want to go	0
out and see what's happen.	
INSPECTOR PIERUCCI: Okay.	
But because and	
INSPECTOR PIERUCCI: Yeah.	

They tell me no don't move.
INSPECTOR PIERUCCI: That's okay it's good.
But I paid attention to them I
didn't really pay attention to so much but what
I can tell so fast.
INSPECTOR PIERUCCI: Okay.
fast when shot and run
away not even a fewnot even three four seconds
really fast.
INSPECTOR PIERUCCI: Did you ever see anybody
come up a police officer ah anyone at all after
ran?
No no but that's what I told I saw
the police car so when I.
INSPECTOR PIERUCCI: You saw the police car.
Saw the police car I just feel like
[unintelligible].
INSPECTOR PIERUCCI: But it was a black and
white car you said.
Black and white.
INSPECTOR PIERUCCI: Okay all right.
So II really like felt like I
really said I'm very sure they're going to get
because it'sit's not only it's not only not really
a long time.

1	INSPECTOR PIERUCCI: How much later.
2	Not even minute or two.
3	INSPECTOR PIERUCCI: Okay not even a minute.
4	Yeah and and the thing is.
5	INSPECTOR PIERUCCI: Not even a minute or two.
6	Yeah even the things like when the
7	police car someone running they kind of like um
8	starts driving really fast to catch
9	INSPECTOR PIERUCCI: Okay all right do you have
10	any questions?
11	INSPECTOR: Um yeah just real quick
12	clarification questions. Ah you seen the shooting
13	three or four seconds fires five to six rounds
14	um and you see le run away right. Um do you see
15	what does with the gun when runs away?
16	keep it.
17	INSPECTOR: kept the gun.
18	kept the gun.
19	INSPECTOR: Okay and um if you can clarify
20	for me so I understand in my mind.
21	away keeps the gun.
22	Yeah.
23	INSPECTOR: And runs away and you see um
24	a black and white police car.
25	Yeah.

```
1
        INSPECTOR: Um driving within min...I think
2
   you said one ... one or two minutes ... less than one or
    two minutes.
3
                   I think after a minute yeah like a
4
    minute or two not real...I mean not really long time
5
   because after that you know like the police cars
6
7
    and everybody starts like coming.
        INPSECTOR:
                        Okay.
9
                   But at first I saw the police car
    and they just start going fast to catch
10
11
        INSPECTOR:
                        Okay.
                   I think to find
                                    yeah that's what
12
13
    they did.
         INSPECTOR:
                        Other than
                                            and...and
14
          yelling at you inside the restaurant did you
15
    hear anyone yelling anything outside. Did you hear
16
17
        shooting yelling?
                   No actually everybody [shocked] even
18
19
    the...the two couple people they didn't...they
    didn't know even what happened. They...they
20
    they just were closing their ears and ... and
21
    actually the one started like yelling
22
    just close the door.
23
24
         INSPECTOR:
                       Sure.
                   Close the door everybody down.
25
```

1	INSPECTOR: Okay and other than them did
2	you hear anyone out on the street yelling anything.
3	Did you hear the police yelling anything?
4	Nono after that the police start
5	coming andand then they kind of like start to
6	clean everything just.
7	INPSECTOR: Sure.
8	Come here don't move
9	INSPECTOR: Okay um I have no other
10	questions.
11	INSPECTOR PIERUCCI: is there
12	anything that we did not ask you that you would
13	like to tell us right now?
14	Um let's see not really um not
15	really but the things I want to tell like it
16	used to be more than four or five in front of
17	the club and staying between them. So for sure
18	like could be one of them know like maybe at
19	least they seethey seethey saw face better
20	than the way we saw it. That's like
21	[unintelligible].
22	INSPECTOR PIERUCCI: Do you remember what those
23	looked likethose in front of the club?
24	One it has like all black dress and
25	with a hat.

1	INSPECTOR PIERUCCI: Okay.
2	And kind of like well let's say
3	half drunk [LAUGHS].
4	INSPECTOR PIERUCCI: All black with a hatwhat
5	color was the hat?
6	It'sit's kind of like black but
7	it's not very black black. It's not umum like
8	from like you know when you get a black color and
9	you wash it its turned kind of like light.
10	INSPECTOR PIERUCCI: Oh okay I all right.
11	Light.
12	INSPECTOR PIERUCCI: Yeah faded.
13	Faded exactly and.
14	INSPECTOR PIERUCCI: That's what you remember.
15	Yeah and one of the I think
16	it's the one who got shot had like a whiteI
17	think whitewhite hat and big [unintelligible].
18	INSPECTOR PIERUCCI: Did you see get shot?
19	Well when when we came out the
20	police they took us out we sawI saw l
21	sitting on the floor year.
22	INSPECTOR PIERUCCI: Okay.
23	the same been sitting
24	there. So from the things that I think I think the
25	knew with who dealed the got

```
shot.
1
         INSPECTOR PIERUCCI: All right.
2
3
         INSPECTOR: No other questions.
         INSPECTOR PIERUCCI: All right if you could
4
    just sign your name and ... and print your name down
5
   here.
6
7
                   Okay.
       INSPECTOR PIERUCCI: So that way you know we
8
9
    can always bring it back and say that you know that
10
    you cause you drew this right.
11
                   Okay.
         INSPECTOR PIERUCCI: [Unintelligible].
12
                   So I'm going to sign here and put my
13
14
   name.
         INSPECTOR PIERUCCI: Yeah just sign there on
15
16
    the line. On the bottom there just print your
17
    name.
                   Yeah.
18
         INSPECTOR: All right the time is now it's
19
    ah 8:06...8:06 ending.
20
        END OF DOCUMENT
21
22
```

```
INSPECTOR ENGLER: All right. Here we go. Hey,
1
   how you doin'? Thanks for waiting so long. You
2
    know... my uh, this is July 3rd, 2010. The time is
3
    8:17 in the AM. Uh, this is in regards to case
4
    number 100609942. My name is Inspector Joseph
5
    Engler, star 239 of the homicide detail. And with
6
7
    me is my partner...
         INSPECTOR PIERUCCI: Pierucci, 1604.
8
         INSPECTOR ENGLER: And ...
9
         DA INVESTIGATOR JIMMY POSADA: And uh, Jim
10
    Posada... San Francisco District Attorney
11
12
    Investigator 7044.
         INSPECTOR ENGLER: Okay. Um,
                                        what, what is
13
14
    your name?
15
16
         INSPECTOR ENGLER:
                             Uh,
17
                             Yes, sir.
         INSPECTOR ENGLER: Okay. Uh, are you uh... uh,
18
19
20
21
         INSPECTOR ENGLER:
22
23
         INSPECTOR ENGLER: Okay. Um, on today's date
24
    actually... just after one o'clock in the morning, or
25
```

SFPD 100609942 00594

1	sometime between one and two o'clock in the
2	morning, were you in the area of say Colum
3	Columbus and Broadway Street?
4	I was on Columbus.
5	INSPECTOR ENGLER: You were on Columbus?
6	Yeah.
7	INSPECTOR ENGLER: There was an incident that
8	incurred, that cause the police department to, to
9	have to respond out there, and cordon off the area.
10	And were you present when all that stuff was going
11	on?
12	Um, no, I was not.
13	INSPECTOR ENGLER: Were you present a little
14	bit earlier when
15	A little bit earlier, yeah.
16	INSPECTOR ENGLER: Okay. Why don't you
17	describe to me there was a crime, of course, that
18	occurred. And without my putting words in your
19	mouth
20	Sure.
21	INSPECTOR ENGLER:Why don't you describe to
22	me, um, the curious incident that you observed
23	tonight.
24	Well, I didn't see
25	anything. I was walking down the street. Next

```
thing... I had got my back, and it was a couple of
1
    shots. And I had to feel my leg, you know? And the
2
    lights on [unintelligible] shoot off my leg... but I
3
    didn't see anything. I was shot in the leg.
5
         INSPECTOR ENGLER: You... today you were shot in
    the leg?
6
7
                            Yes, sir.
8
         INSPECTOR ENGLER:
                            Okav.
                            But I didn't see anybody. I
9
10
    saw a couple stores... next thing I feel my legs ...
11
    like something warm go through it. And I look at
12
    it, and I start to walk faster, but I don't walk
    back, so I didn't see anything.
13
14
         INSPECTOR ENGLER: So... did you...
                            Just felt something.
15
16
         INSPECTOR ENGLER: Oh. But are you hurt now?
                            Uh, well, I was shot in the
17
18
    leg, or almost grazed in the leg.
19
         INSPECTOR ENGLER: Oh, you were grazed. Did
    you tell anybody?
20
                             That's what it was... we've
21
    already been through this with the medics and
22
    stuff. Nobody told you about that? Nobody told you
23
    about this?
24
25
         INSPECTOR ENGLER: Were you treated out at the
```

1	hospital?
2	No yeah, uh the
3	paramedics got me.
4	INSPECTOR ENGLER: Okay.
5	Yeah. They, they put some
6	stuff on like some alcohol or something I mean,
7	it wasn't [unintelligible] so it wasn't bad. It
8	was just a hole in the pants, and it just skimmed
9	through. That's what I presume it was. Because,
10	like, you know, there's shots going off I mean
11	INSPECTOR ENGLER: Right.
12	I knew that something hit
13	me.
14	INSPECTOR ENGLER: Right. Well, actually, to
15	be honest with you, because we've interviewed so
16	many people, uh, we were unaware that you were
17	actually a victim of being shot.
18	Mm-hmm.
19	INSPECTOR ENGLER: So, uh, a couple things as
20	a victim, I want to before we go any further in
21	the interview um, as far as medical goes, the
22	first aid folks looked at you
23	Well, yeah, they said
24	there's nothing wrong. It's just a graze, you know.
25	INSPECTOR ENGLER: Just a graze.

```
There's nothing in it.
1
2
         INSPECTOR ENGLER: Okay.
                            There's no cause for alarm ...
3
   no immediate cause for alarm.
4
         INSPECTOR ENGLER: Okay. Okay.
5
                            They just gave me like uh,
6
   like uh, like uh, bag thing for the swelling to go
7
   down. But the swelling [unintelligible] .
8
9
         INSPECTOR ENGLER:
10
11
         INSPECTOR ENGLER:
12
13
                           I mean, to be honest
14
    I really don't want to go to court with this,
15
   because um, my leg's fine. And I really didn't see
16
    anything...
17
         INSPECTOR ENGLER: Right.
18
19
                            So... I'd rather, I'd rather
20
    not be a part of this court thing.
                             Right.
21
         INSPECTOR ENGLER:
22
                             Because my leg is good to
         And I can walk and...
23
    go.
         INSPECTOR ENGLER: Right.
24
                            ...And I don't want to press
25
```

```
1
    charges.
2
         INSPECTOR ENGLER: Okay. Okay. But you
    understand? I mean, we have to treat it very
3
    seriously.
4
5
6
7
         INSPECTOR ENGLER:
8
9
10
11
         INSPECTOR ENGLER:
12
13
                                        That's where ...
         INSPECTOR ENGLER: We need a little help. And
14
    the help we need is, um, just, first of all... uh,
15
16
    we're going to need to like, to at least photograph
    the area.
17
                             They did that already.
18
19
         INSPECTOR ENGLER:
                             Yeah.
20
                              [unintelligible] those two
    [unintelligible]...
21
         INSPECTOR ENGLER:
                             Yeah.
22
                             They've done all that... the
23
    cops in uniform.
24
         INSPECTOR ENGLER:
                             Okay. All right. Um, why
25
```

```
don't you, why don't you tell us... what, what you
1
2
   saw?
                            Well, I, I didn't see any
3
   of that... what, what the people saw. [phone ringing]
4
   I was walking down the street.
5
         INSPECTOR ENGLER: Right.
6
7
                            I was in a fog, you know.
8
   Because I just heard gun shots, and then I
    [unintelligible] stand in my way.
9
10
         INSPECTOR ENGLER: Right.
                            You know, I didn't really
11
   see anything. I was in my own zone, walking down ...
12
   I'd come from the park. I fell asleep in the park.
13
14
   So, I was still, I was still sleepy. You know, I
15
   was still kind of tired. And so I just, I was
   making my way down to see my friend at the
16
17
         INSPECTOR ENGLER: A [unintelligible]
18
                            Yeah.
19
         INSPECTOR ENGLER:
                            Okay.
                            And then I felt something
20
21
   pushing on my leg, and I didn't know what it was
22
    you know? [unintelligible] ...
         INSPECTOR ENGLER: Right.
23
24
    [unintelligible] .
25
```

INSPECTOR ENGLER: Right.
So, it could have been, at
an [unintelligible], because, I mean, you know
INSPECTOR ENGLER: Right.
Like someone hit me with
it
INSPECTOR ENGLER: Now did you turn around and
see? Or did you
No, I did not turn around.
INSPECTOR ENGLER: Did you fall to the ground?
No, I did not. I kept on
walking.
INSPECTOR ENGLER: Okay, um
Apparently when I saw the
blood, and I thought, "Oh, what is this?"
INSPECTOR ENGLER: Right, right, right.
Um, there's no bullet in there, is there?
No, no. If there was a
bullet, the, the medics would take care of that.
INSPECTOR ENGLER: Okay.
You know, they looked at it
as it's grazed. When the hole went through my leg
the, the trouser leg, but not in my leg.
INSPECTOR ENGLER: Okay. Okay. Go, go ahead,
let me take this now.

```
[INSPECTOR ENGLER LEAVES THE ROOM] [door
1
   closing]
2
        INSPECTOR PIERUCCI: All right. You were at
3
    the park?
4
5
                           Yeah.
         INSPECTOR PIERUCCI: Was it Washington Square?
6
7
                           Washington Square, yeah.
         INSPECTOR PIERUCCI: Okay.
8
9
                    I fell asleep.
10
         INSPECTOR PIERUCCI: All right. Um, so you
11
    were at the park and then about what time was this?
                          Uh, must have been after
12
    one, I think.
13
         INSPECTOR PIERUCCI: Okay. So, after one you
14
    woke up?
15
16
                            Mm-hmm.
17
         INSPECTOR PIERUCCI: Is that ... okay. All right.
    And you just walked?
18
19
                       Yeah. I just going, going
    down uh, Columbus. I walked up... from the park, down
20
    to Columbus.
21
         INSPECTOR PIERUCCI: All right. Then... you
22
23
    walked up Columbus, toward the area where this ...
24
                    Walking down Columbus,
    yeah. Towards Broadway.
25
```

INSPECTOR PIERUCCI: Okay. So, so, so you 1 2 walked up, uh... actually, you, you were walking toward Broadway. 3 Mm-hmm. 4 5 INSPECTOR PIERUCCI: Correct? All the way down... 7 I was at the lowest side of 8 Columbus heading to Broadway. So, out of sight of the road. [unintelligible] INSPECTOR PIERUCCI: You were on the left 10 side? You were on the left side? 11 [unintelligible] ... yeah, 12 left hand side, yeah. 13 14 INSPECTOR PIERUCCI: As you were walking down 15 toward Broadway, you are on the left-hand side. Mm-hmm, mm-hmm. 16 INSPECTOR PIERUCCI: Okay. All right. When you 17 were walking, you, uh, end up crossing Green 18 19 Street? You know ... 20 No, no, I was further down 21 by then. I was crossing onto the Broadway [unintelligible] ... because I was going to take a 22 left. 23 INSPECTOR PIERUCCI: Right, right, right. But 24 I'm just trying to find out if ... 25

1 Oh no, no, no, please, 2 please go ahead. INSPECTOR PIERUCCI: Yeah. So you, you, you're 3 crossing Green, and then you're going across, and 4 5 there's St. Francis there, you know, at Vallejo ... Oh yeah, yeah, yeah. 6 INSPECTOR PIERUCCI: St. Francis, you know, 8 the tree houses across the street there? Yeah, yeah, yeah, yeah, 9 yeah, yeah. 10 INSPECTOR PIERUCCI: Okay? So, you're going to 11 go across the street now right? You're crossing 12 13 Vallejo? And when you're at the corner there ... 14 Vallejo and uh, and, and Columbus, you know, and 15 you're looking down, because you want to get across, uh, Broadway, correct? Okay. As you're 16 looking down, do you remember anything at all 17 that's going on there? 18 19 Not really, no. I was in my own mind. I was asleep. I was completely zoned out. 20 21 I was still tired, and so I might be dazed ... I was ... just woken up. So I was not awake. I wasn't paying 22 attention. Just... uh, you know, you see the usual 23 party people. I didn't see anybody as such, just 24 saw [unintelligible] probably drinking and whatnot. 25

```
I was just looking straight ahead. I was not
1
   looking like left and right.
         INSPECTOR PIERUCCI: All right.
3
                     Just straight ahead.
4
         INSPECTOR PIERUCCI: There was a crowd of
5
   people, or some people anywhere?
                           I honestly didn't notice
7
    that. Because as, as I just said, I was just
8
   walking. I was very, very tired. I'd fallen asleep
    in the park too long. I should have gotten up,
10
    gotten up. And [unintelligible].
11
         INSPECTOR PIERUCCI: So, I know you're walking
12
13
    down... there's, there's a pizza place, there's
14
    Little Darlings ...
                            I was more near the Condor?
15
         INSPECTOR PIERUCCI: At the corner there?
16
                            Yeah, yeah, yeah.
17
18
         INSPECTOR PIERUCCI: At the corner of
19
    Broadway?
20
                            Yeah, yeah.
         INSPECTOR PIERUCCI: Okay, so now you're at
21
22
    the corner ...
                            I'd almost hit the corner,
23
    when this thing ...
24
25
         INSPECTOR PIERUCCI: You'd almost hit the
```

```
1
    corner...
                             Yeah.
2
         INSPECTOR PIERUCCI: ...And all of a sudden, you
3
    felt... is it your right leg?
5
                            My right leg, yeah, yeah,
    yeah.
6
         INSPECTOR PIERUCCI: Okay. Um, what did you
7
    hear?
8
9
                             I heard a couple of shots.
    I heard...
10
11
         INSPECTOR PIERUCCI: So you, you heard a
12
    couple of shots?
                           I heard two shots. And they
13
    weren't, they weren't very loud. Like, you know ...
14
    mediocre. It wasn't super loud. First of all, I
15
    thought they were firecrackers. I didn't know what
16
17
    they were.
         INSPECTOR PIERUCCI: Huh.
18
                            I don't... I'm not aware of
19
    guns. I don't like them. I don't care for them. I
20
21
    never have.
22
23
         INSPECTOR PIERUCCI:
                               Okay.
24
25
```

1 2 3 4	INSPECTOR PIERUCCI: Yeah,
3	Yeah,
ξ.	
4	
	INSPECTOR PIERUCCI: Okay, Great.
5	I I
6	INSPECTOR PIERUCCI: Oh, sorry about that.
7	No, it's things happen.
8	INSPECTOR PIERUCCI: Um, all right, so, you're
9	down by the Condor
10	Mm-hmm.
11	INSPECTOR PIERUCCI:About to hit the corner?
12	Yeah. Almost hitting the
13	corner.
14	INSPECTOR PIERUCCI: Almost hitting the
15	corner, and then that's when you feel in your
16	right leg
17	Yeah. I felt something
18	going through it, like, you know, [unintelligible]
19	INSPECTOR PIERUCCI: Through it.
20	Like, what the fuck is
21	excuse my language
22	INSPECTOR PIERUCCI: Yeah.
23	Like what is this?
24	INSPECTOR PIERUCCI: Yeah.
25	I looked down and I saw

```
blood, and I saw a hole, and I didn't know what it
1
   was. I just started walking faster, and I did not
2
    look back.
3
         INSPECTOR PIERUCCI: You didn't look back?
4
5
                           No, I did not. No.
         INSPECTOR PIERUCCI: Because you crossed the
6
7
    street.
                            I went down straight to
8
9
    Broadway, yeah. Across [unintelligible].
10
         INSPECTOR PIERUCCI: All right. So, at what
    point did you encounter the police?
11
                            I saw them down on the
12
    other side where the Garden of Eden is, by the
13
    [unintelligible] ...
14
15
         INSPECTOR PIERUCCI: Oh past the street there?
16
                            Yeah.
         INSPECTOR PIERUCCI: Okay, so when you were
17
    walking... what is that, uh, east ... you were walking
18
    east?
19
                            Yeah. There towards, what
20
    would be further down a ways. You walk down towards
21
    the Apollo, it's, it's Kearny, you know?
22
23
         INSPECTOR PIERUCCI: Okay.
                            So it's Kearny down on the
24
    right-hand side.
25
```

INSPECTOR PIERUCCI: Okay. So you're walking 1 2 down there and then you saw police officers, and you told them, "hey, I'm hurt?" 3 Yeah, I told them. 4 INSPECTOR PIERUCCI: Okay. All right. And, 5 they took the photos and everything? They did. 6 Yeah. In the other office 7 on, uh, Vallejo. 8 9 INSPECTOR PIERUCCI: Okay. And the medics 10 came? The medics saw me, rolled 11 up my leg, looked to see if it was just grazed, you 12 know. And the hole looks bigger in the pants, than 13 the leg, you know? It's just a ... 14 INSPECTOR PIERUCCI: But is, is... does your, 15 does your leg have a hole in it, or just a graze? 16 17 It's like a little graze, you know. It's like, ch... like an opening. It's not 18 19 big or anything like that. It's not big enough for small plaster ... small Band-Aid. 20 21 INSPECTOR PIERUCCI: Okay. Yeah, nothing serious. 22 23 INSPECTOR PIERUCCI: So, when the officers saw you down there, did they call medics for you? 24 Yes, they did. 25

1	INSPECTOR PIERUCCI: Okay. And then the medics
2	met you at, uh
3	On the corner, of where the
4	Apollo is, so where the Apollo is on the corner.
5	The officer sat me down and said, "you know, sit
6	down." Because
7	INSPECTOR PIERUCCI: So, the Apollo?
8	Yeah, off the sidewalk.
9	Just uh the sidewalk from where the Apollo is.
10	INSPECTOR PIERUCCI: So you met the officer
11	there, that's when he called for medics?
12	Yeah, I came up to the
13	officer when I saw him. Because they were like
14	security and follow [unintelligible], you know, the
15	people drinking [unintelligible].
16	INSPECTOR PIERUCCI: So, uh, then they took
17	you back to Central Station?
18	To Vallejo, yeah, yeah,
19	yeah.
20	INSPECTOR PIERUCCI: And, is, is there I
21	mean, is there anything that, that pops into your
22	mind about anything out on the street out out of
23	the ordinary, before you heard the two shots and
24	before you felt your right leg being, you know, uh,
25	grazed?

```
1
                            No, I didn't see anything
2
   that [unintelligible] that description, no.
         INSPECTOR PIERUCCI: Okay.
3
                           I see like a cluster... like
4
   I said, I was in my zone, just walking there ...
5
         INSPECTOR PIERUCCI: Okay.
6
7
                           Still asleep.
8
         INSPECTOR PIERUCCI: Okay.
                           I was grazed.
9
         INSPECTOR PIERUCCI: All right. Do you have
10
    any questions?
11
12
         INSPECTOR PIERUCCI: All right. I'm
13
14
    going to go ahead and stop the interview. If you
   have anything else to tell me that we did not ask
15
16
    you, please tell me.
17
                            No, I've been very honest
    with you.
18
19
         INSPECTOR PIERUCCI: Good, okay. All right. So
20
    ending would be 8:31 AM, 8:31.
21
         END OF DOCUMENT
```

SAN FRANCISCO POLICE DEPARTMENT

Crime Scene Investigations Unit Crime Scene Report



Incident: Officer Involved Shooting

Case Number: 100-609-942

Location: Broadway

Date: July 3, 2010

Prepared by: Sergeant Weggenmann #725

I. Purpose of Response

Sergeant Walsh #1581 and I responded to the area of . Broadway upon a report of an officer involved shooting. We arrived at approximately 0225 hrs. and met with Sergeant O'Leary #1150 who walked us through the scene. Sergeant Walsh placed numbered markers next to items of evidence while I made hand written notes and diagrams of what I observed. Officer Gomes #911 of the Photo Lab responded to take photographs and to video tape the scene.

II. Scene Description

The area of Broadway was very well lit with lighting from open businesses, signage, street lamps and from headlights of vehicular traffic. The scene primarily encompassed the north side of the 300 block of Columbus, the east side of the 1200 block of Grant St and the unit block of Fresno St. Items of evidence were found mostly on or near the sidewalks of these streets. It was a cool and clear night. This area was heavily populated with businesses, apartments, vehicular and pedestrian traffic which is typical of this area, especially on a Saturday evening/Sunday morning. Numerous police units were on scene and yellow police tape secured the scene.

III. Observations

Upon arrival I observed items of evidence had been temporarily marked with folded pieces of paper, presumably by responding patrol officers. The trail of evidence began in the 300 block of Columbus near Broadway with a stain of apparent blood in the street near the sidewalk and a bullet fragment next to this stain. There were numerous bullet fragments and casings strewn along the north sidewalk of Columbus Street. The scene continued north on the east side of the 1200 block of Grant Street. At Grant Street I observed a possible bullet strike on the exterior wall approximately seventeen inches off the ground. An unidentified officer at the scene told me he believed the possible bullet strike on the wall could have been caused by an officer who had fired at a suspect. A few feet farther north on the sidewalk were some small bullet fragments. At the south/east corner of Grant/Fresno two officers were guarding a pistol which was in the street at the

2 OF 14

Lieutenant Sainez #1667 told me that Inspector Newman #1481 had fired, what he believed was, a single shot at a suspect. Inspector Newman, after firing, collected the casing, which he believed came from his gun, from the ground and secured it in his pocket.

IV. Evidence Collected

Sergeant Walsh and I took measurements of all items of recovered evidence. Officer Gomes photographed and video taped the scene. Sergeant Walsh collected the numbered items of evidence, secured them in the back of his vehicle and transported them to the Hall of Justice where they were processed and booked accordingly.

Sergeant Walsh and I later responded to the Homicide Detail to collect Inspector Newman's service pistol. Prior to handing me his pistol, Inspector Newman rendered it "safe" by removing the magazine and locking the slide to the rear. As he did so, I observed a single cartridge eject from the chamber of his pistol. Inspector Newman handed me his empty pistol, the magazine from his pistol, the extra magazine he was carrying on his person, the cartridge that ejected from the chamber and the cartridge casing, he had collected earlier, from his pocket. I later examined the pistol and related items and documented the results on the Firearm Information Report found in the supplemental section of this case file.

TIP SERD 100609942

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY



GEORGE GASCÓN District Attorney

Assistant Chief District Attorney

JUNE D. CRAVETT

August 28, 2012

Chief Gregory Suhr Office of the Chief of Police San Francisco Police Department 850 Bryant Street, Room 525 San Francisco, CA 94103

Re: Officer Involved Shooting on July 3, 2010 (Report No. 100 609 942)

Dear Chief Suhr:

The Special Prosecutions Unit of the San Francisco District Attorney's Office has completed its review of the July 3, 2010 shooting in front of and Columbus Avenue by San Francisco Police Inspector John D. Newman. We have concluded that the officer acted lawfully in self-defense and defense of others.

FACTUAL SUMMARY

On July 3, 2010, at approximately 1:31 a.m., SFPD Inspector John Newman and his partner, Sergeant Jon Kasper, were in the area of Columbus Avenue and Broadway Street in North Beach. They were both in plain clothes, and Sergeant Kasper was driving their unmarked police car northbound on Columbus. As they drove past the front of the Little Darlings strip club at Columbus, Sergeant Kasper and Inspector Newman saw a group of who looked like they might start fighting. All of a sudden, one of the on the sidewalk, wearing a red hat, pulled out a black firearm and started shooting at the people in the group while walking backwards. Witnesses heard fire five to six shots. Inspector Newman immediately put a call out on the radio, and Sergeant Kasper followed the shooter (later identified as in the patrol car. as he ran northbound on Columbus and then eastbound on Grant Street. Inspector Newman got out of the patrol car after it turned onto Grant Street, announced himself as a police officer, and to drop the gun. got close to another , and then turned in Inspector Newman's direction. Inspector Newman said he felt his safety was in jeopardy, and that he didn't know where his partner was. He said he was in fear of his life and safety, and for those of his partner and the people on the busy street behind him. As turned towards him with the gun, the inspector felt that the only way he could prevent the threat was to use his own gun. Inspector Newman thought he needed to stop the threat and make sure this person didn't shoot any more people. Inspector Newman fired one round at from about 10 to 15 feet away. After Inspector Newman fired one round, complied with Inspector Newman's instructions and got on the ground. The who had approached just prior to the shot, fled with a third . Inspector Newman briefly searched for the gun but did not find it. Inspector Newman and Sergeant Kasper located a firearm about two business addresses further up the street from where was arrested. This indicated to the officers that handed the gun had approached just before Inspector Newman shot at

WHITE COLLAR CRIME DIVISION

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY

Victim 2 suffered two gu	Victim 1 suffered a gunshot wound to lower left leg. ashot wounds to left foot. Victim 3 suffered a graze wound to left as a result of Inspector Newman firing his service weapon.
On February 8, 2012, March 21, 2012, w	pled guilty to one violation of Penal Code § 245(b) as a felony. On as sentenced to nine years in state prison.

CONCLUSION

This review was conducted pursuant to the joint Officer Involved Shooting and In Custody Death protocol between this office and the San Francisco Police Department in which the District Attorney conducts an independent assessment of the circumstances surrounding the use of deadly force by peace officers. The review does not examine such issues as compliance with the policies and procedures of any law enforcement agency, ways to improve training or tactics, or any issues related to civil liability. Accordingly, such a review should not be interpreted as expressing an opinion on these matters.

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. *CALCRIM* 3470.

In the present case it is undisputed that Inspector Newman witnessed shooting at a group of people. Inspector Newman fired one shot at turned in Inspector Newman's direction. Inspector Newman fired in defense of others and in self-defense. His actions were reasonable under the circumstances.

This case was considered carefully by the District Attorney's Office. After a thorough review of the applicable law, witness statements, physical evidence and police reports, there appears no reasonable factual or legal basis exists to charge Inspector Newman with any crime. We are therefore closing our file and will take no further action in this matter.

Sincerely,

George Gascón

June D. Cravett

Assistant Chief District Attorney

c: Lieutenant Hector Sainez Inspector John Newman

```
Okay today ... today's date is
1
         INSPECTOR MACK:
   ah July 3rd 2010...it's approximately 7:45 in the
2
   morning. I'm Inspector Larry Mack Star 1789. I'm
3
   with ah Officer Brown.
4
         INSPECTOR BROWN:
                           1864.
5
         INSPECTOR MACK:
                          From ah Central Police
6
    Station and this is involving Case Number 100 609
8
    942 um I'm at ah S
9
               and I'm interviewing can you state
   your name please?
10
11
         INSPECTOR MACK:
                            Can you spell your last
12
13
    name for me please?
14
15
         INSPECTOR MACK:
                            Okay and what's you're ah
   birthday?
16
17
                   Ah
18
         INSPECTOR MACK:
                           Okay and where do you live
19
    sir?
20
                             Okay your address.
21
         INSPECTOR MACK:
22
                   Ah
         INSPECTOR MACK:
23
24
25
         INSPECTOR MACK:
                             Okay.
```

Star Reporting Service, Inc. (415) 348-0050

1 Ah ha. 2 INSPECTOR MACK: And your phone number...contact number? 3 4 Ah Okay and 5 INSPECTOR MACK: I went on tape I explained to you ah why we're here and ah I want to find out what happened. Apparently 7 8 you were shot ah earlier ah this morning. 9 Yeah. INSPECTOR MACK: And ah can you tell me the 10 circumstances surrounding ah where...what were you 11 12 doing tonight? We were just walking down on 13 14 Broadway Street and um the main street down on 15 Broadway it's Columbus I think. INSPECTOR MACK: Okay. 16 Yeah I was right on the corner ah 17 walking by to ah catch the ah cab or something and 18 ah there was this walking by me and um some 19 other people and ah not my friends but all I mean 20 21 there was a big crowd right there. just pulled out a gun and started shooting at everybody...I mean 22 everybody I don't know. I don't think I was the 23 only got shot right there cause a there was a 24 garbage can right there and just jumped behind the 25

```
garbage can and ah [unintelligible] on got shot on
1
                shot like probably like six seven
   feet but ah
2
3
    times but um I just don't know why start
    shooting at everybody cause um
4
    didn't say anything. didn't um say anything
5
    to nobody just pulled out a gun and start
6.
    shooting for no reason and ah I don't know if this
7
    is a reason but um I was wearing red that night and
8
9
    ah.
10
        INSPECTOR MACK: You were wearing red.
11
                  Yeah.
         INSPECTOR MACK:
                          Okay.
12
13
                  I was ... I was .
         INSPECTOR MACK: What does that mean?
14
15
                   I was having a baseball cap um red
16
    and um but didn't say anything and um that was
    it. I...I didn't know the um I mean if I see
17
    again I recognize really cause it was really
18
    close to me but I didn't know the
                                             didn't
19
    say anything to me or anybody else cause um like I
20
    told officer earlier um I don't know if they got
21
    cameras over there cause this is that is ah main
22
    street Columbus and Broadway that's that corner
23
24
    right there is always busy ... always people walking by
    right there and ah that was...that happened just
25
```

```
right there that corner and um I don't know I got a
1
2
   shot [unintelligible] just some they call 9-1-1 and
   then um the ambulance just got me over here cause
3
   that's all I can remember that's.
5
         INSPECTOR MACK:
                          Okay.
                   That's about it.
6
7
         INSPECTOR MACK:
                            That's about it ha okay
8
   well what I'd like to do is I just want to
   backtrack a little bit and ah sometimes when I go
9
   step by step kind of remember things you know.
10
                   Ah ha.
11
         INSPECTOR MACK:
                         Slow it down a little bit.
12
                   Yeah.
13
14
         INSPECTOR MACK: That's a great overview of
    what happened. But let's start by let's say what
15
    time did you come into San Francisco tonight or
16
    last night?
17
                   I really don't remember like clear
18
19
    cause ah it was like 1:00...1:30 maybe yeah about
20
    that.
         INSPECTOR MACK:
                           What time...what time did
21
    you come to San Francisco?
22
                   Like 1:30.
23
         INSPECTOR MACK:
                             In the afternoon.
24
25
                                 but ah I was there
                   No
```

2016	
1	around 1:30 in the min the morning.
2	INSPECTOR MACK: 1:30 this morning.
3	Yes.
4	INSPECTOR MACK: Okay and who did you come
5	in with?
6	I was with ah with one of my
7	friends.
8	INSPECTOR MACK: And name.
9 .	[Unintelligible] it's um .
10	INSPECTOR MACK:
11	Yes.
12	INSPECTOR MACK: Do you have last name?
13	No.
14	INSPECTOR MACK: Do you know how old is?
15	or
16	something.
17	INSPECTOR MACK: Okay and where does
18	live?
19	Ah I really don't know live um
20	[unintelligible] but I don't know exactly where.
21	INSPECTOR MACK: Okay and howhow did you
22	get to San Francisco?
23	Okay how did I get over to Broadway?
24	INSPECTOR MACK: How did you get over to
25	North Beach?

1		I gotwe	take a cab over.
2	INSPECTOR	MACK:	You took a cab.
3		Yeah.	
4	INSPECTOR	MACK:	Do you remember what kind
5	of cab you tool	:?	
6		На.	
7	INSPECTOR	MACK:	Do you remember what kind
8	of cab?		
9		The yello	w cab the one that goes on
10	Mission Street		
11	INSPECTOR	MACK:	Okay and where did you
12	pick it up from	n?	
13		Over in a	h what's the name of that
14	street it's one	e just beh	ind Geneva Street?
15	INSPECTOR	MACK:	Okay so in the outer
16	Mission because	а.	
17		Yeah yeah	ah ha.
18	INSPECTOR	MACK:	Okay cause out
19	that way right	. In	isn't that
20	out [unintelli	gible].	
21		Yeah but	we meet over there in
22	Geneva.		
23	INSPECTOR	MACK:	Okay.
24		So we go	eat some ah there's a
25	Mexican restau	rant right	there aa block away from

1	Geneva.
2	INSPECTOR MACK: Okay.
3	And we just go on a restaurant we
4	take a cab and we go over.
5	INSPECTOR MACK: Okay what time do you
6	think you picked the cab upwhat time do you think
7	the cab was?
8	Around 1:00 I think.
9	INSPECTOR MACK: About 1:00.
10	I don't know how long it takes to
11	get a cab from Geneva over to um Broadway but II
12	assume that it's like thirty minutes.
13	INSPECTOR MACK: Okay and what were you
14	doing prior to that. Like last night whatwhat
15	were you doing last night?
16	I was drinking with my friend a few
17	beers and ah we just trying to go over to strip
18	club you know to have fun but um.
19	INSPECTOR MACK: Where werewhere were you
20	drinking at?
21	We were drinking at a restaurant.
22	INSPECTOR MACK: Oh okay.
23	Where was it and um by the time we
24	got there um it was late really like 1:30 like I
25	said there was a big crowd like a lot of people

1	walking.
2	INSPECTOR MACK: So where did you go when
3	you got dropped off? Where did you get dropped off
4	at?
5	Ah right there at that corner so I
6	was.
7	INSPECTOR MACK: ColumbusColumbus and
8	Broadway.
9	Yeah.
10	INSPECTOR MACK; Okay.
11	So I walked up to the strip clubs
12	but.
13	INSPECTOR MACK: Were you by yourself or
14	with your friend?
15	No with my friend then we just came
16	back cause ah.
17	INSPECTOR MACK: Which strip club were you
18	going too [unintelligible]?
19	We don't in any club because it was
20	late.
21	INSPECTOR MACK: So were you going to be on
22	Broadway walking or walking up Columbus?
23	No went to Broadway.
24	INSPECTOR MACK: [I know there are some
25	strip clubs] Broadway okay.

```
Yeah and then we came back cause ah
1
    we know it was late and we don't want to pay like
    twenty...thirty dollars just for a couple of minutes
3
4
    and ah we decided to go back and we planning to go
5
   back to um to ... to our house. I mean cause we live I
6
    mean I live on
    So we trying to catch up a cab and um that was it.
7
         INSPECTOR MACK:
                              Okay so after you're
8
9
    walking down Broadway with your friend
10
                   Ah ha.
                                           a friend...the
11
         INSPECTOR MACK:
                              Is
12
    other friend get shot is that
                   No...no...no...no.
13
14
         INSPECTOR MACK:
                              Okay.
                    I really don't know what happened
15
    with
16
17
         INSPECTOR MACK:
                              Okay.
                    Cause ah that was so quick I mean.
18
         INSPECTOR MACK: Okay so you were with
19
              nobody else right.
20
21
                   No.
         INSPECTOR MACK:
                             Just you and
22
23
                    Yeah.
24
         INSPECTOR MACK:
                              Okay and so you walk down
    Broadway...strip clubs are closed or you don't want
25
```

No. 1111		
to pay.		
Nono theythey weren't closed.		
INSPECTOR MACK: You didn't want to pay the		
money.		
Yeah.		
INSPECTOR MACK: Okay.		
Basically yeah we don't havewe		
don't want to pay thirty or twenty dollars for just		
a few minutes.		
INSPECTOR MACK: Okay.		
Yeah.		
INSPECTOR MACK: And thenthen you		
startyou hit Columbus and Broadway right busy		
corner right.		
Yeah.		
INSPECTOR MACK: And then you start walking		
up Columbus.		
Ah ha nono we came back from ah		
Broadway Street.		
INSPECTOR MACK: Right.		
And we make a turn just like on the		
corner of Columbus and ah Broadway.		
INSPECTOR MACK: Okay.		
And that's where ah the shooting		
start right there on that corner.		